

IMPLEMENTATION OF THE HELSINKI ACCORDS

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE NINETY-NINTH CONGRESS FIRST SESSION

THE OTTAWA HUMAN RIGHTS EXPERTS MEETING AND THE FUTURE
OF THE HELSINKI PROCESS

JUNE 25, 1985

Printed for the use of the
Commission on Security and Cooperation in Europe



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1985

54-575 O

J891-1

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ALFONSE M. D'AMATO, New York, *Chairman*
STENY H. HOYER, Maryland, *Cochairman*

JOHN HEINZ, Pennsylvania	DANTE B. FASCELL, Florida
JAMES A. McCLURE, Idaho	SIDNEY R. YATES, Illinois
MALCOLM WALLOP, Wyoming	TIMOTHY E. WIRTH, Colorado
GORDON J. HUMPHREY, New Hampshire	EDWARD MARKEY, Massachusetts
CLAIBORNE PELL, Rhode Island	DON RITTER, Pennsylvania
PATRICK J. LEAHY, Vermont	CHRISTOPHER SMITH, New Jersey
RUSSELL B. LONG, Louisiana	JACK F. KEMP, New York
DENNIS DeCONCINI, Arizona	JOHN E. PORTER, Illinois

EXECUTIVE BRANCH

The Honorable RICHARD NORMAN PERLE, *Department of Defense*
VACANCY, *Department of Commerce*
VACANCY, *Department of State*

MICHAEL R. HATHAWAY, *Staff Director*
MARY SUE HAFNER, *General Counsel*

CONTENTS

WITNESSES

JUNE 25, 1985

	Page
Schifter, Ambassador Richard, head of U.S. delegation to the Ottawa Human Rights Experts Meeting	5
Palmer, Robie M., Deputy Assistant Secretary of State for European Affairs....	19
Matthews, Gary, Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs	12
Gilman, Representative Benjamin A., U.S. Congress, Republican, 22d District..	39

APPENDICES

Report of the Ottawa Experts Meeting on Human Rights	53
Text of speeches made at Ottawa Human Rights Experts Meeting:	
Statement by Undersecretary of State for Political Affairs Michael Armacost, May 9, 1985.....	63
Introductory statement by Ambassador Richard Schifter, May 10, 1985.....	74
Plenary statement by Ambassador Richard Schifter on freedom of expression and annex, May 15, 1985	91
Plenary statement by Ambassador Richard Schifter on the situation of religion in the U.S.S.R. and Czechoslovakia and annex, May 17, 1985.....	149
Plenary statement by Ambassador Richard Schifter on social and economic issues, May 22, 1985	165
Plenary statement by Ambassador Richard Schifter on discrimination against national minorities and annex, May 28, 1985.....	179
Statement on OME 8, OME 11, and OME 43 by Ambassador Richard Schifter, June 4, 1985	194
Statement on incommunicado detention and access to prisoners proposal by Ambassador Richard Schifter, June 4, 1985	199
Statement concerning proposal on responding to human rights inquiries by Ambassador Richard Schifter, June 4, 1985	203
Closing statement by Ambassador Richard Schifter, June 17, 1985	206
Questions submitted to U.S. Department of State from Chairman Alfonse D'Amato and Cochairman Hoyer.....	208

PUBLIC HEARING ON THE OTTAWA HUMAN RIGHTS EXPERTS MEETING AND THE FUTURE OF THE HELSINKI PROCESS

TUESDAY, JUNE 25, 1985

**COMMISSION ON SECURITY
AND COOPERATION IN EUROPE,
Washington, DC.**

The Commission met, pursuant to notice, in room 124, Dirksen Senate Office Building, 1st Street and Constitution Avenue NE., at 10 a.m., Senator Alfonse M. D'Amato, Chairman, and Representative Steny H. Hoyer, Cochairman, presiding.

In attendance: Commissioners and Senators Malcolm Wallop, Gordon J. Humphrey, and Dennis DeConcini; Commissioner and Representative John E. Porter; and Representatives Thomas P. Lantos and Sander M. Levin.

Also in attendance: Michael R. Hathaway, staff director, and Mary Sue Hafner, general counsel of the Commission.

OPENING STATEMENT OF COCHAIRMAN HOYER

Mr. HOYER. Ladies and gentlemen, we will now commence this meeting of the Commission on Security and Cooperation in Europe. Chairman D'Amato will be with us after testifying at another hearing. Are the witnesses here? Soon, OK.

This hearing has been called to receive testimony about the Ottawa Human Rights Conference. We are optimistic about the presentations that were made at Ottawa and hopeful that the outcome would be positive. Some of us are going to withhold judgment as to whether the outcome was, in fact, positive until such time as we've had an opportunity to hear from you, Mr. Matthews and others, about your perceptions as to what went on.

Obviously, all of us had high expectations about what could happen at this first conference which dealt solely with the issue of human rights and the implementation of the provisions of the Helsinki accords. We were particularly optimistic in view of the impending tenth year anniversary of the signing of the Helsinki Final Act to be observed in Helsinki on August 1.

We look forward to hearing from you, Mr. Ambassador. Prior to recognizing you and Mr. Matthews for your statements, however, I would like to recognize Senator DeConcini from the State of Arizona.

Senator DeConcini.

Mr. DECONCINI. Cochairman Hoyer, thank you very much. I want to thank you and Chairman D'Amato for scheduling these

hearings on the results of the Ottawa Human Rights Experts Meeting and its effect on the future of the Helsinki process.

I'm pleased to be a new member of the Commission on Security and Cooperation in Europe. I want to thank you, Cochairman Hoyer, for your leadership in this area. I look forward to working with you and my other colleagues here, both in the Senate and the House, to ensure full implementation of the Helsinki Final Act.

The importance of this 35-nation conference which addressed "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief," cannot be overemphasized. We are all members of the human family, and as long as any member of that family does not enjoy full human dignity and rights, none of us is truly free. While men and women are oppressed in other lands, our freedom is only partial.

It is my hope that the testimony presented here today will provide some insight, guidance, and assistance in our efforts to actively pursue compliance with the basic human rights provisions of the Helsinki Final Act.

Thank you, Mr. Chairman.

Mr. HOYER. Thank you, Senator. And now I recognize Senator Gordon Humphrey from New Hampshire. Senator Humphrey.

Mr. HUMPHREY. Thank you, Mr. Chairman.

For my part this morning, I want to focus on what I see as inconsistency between the rhetoric of the United States on the subject of human rights and its actions. I want to encompass not only human rights in the Soviet Union and Eastern Europe, but likewise in Afghanistan.

While Afghanistan is not perfectly within the matter covered by the Helsinki agreements, nevertheless, I want to cite chapter 7 of the Helsinki agreements which, I think, makes it clear that Afghanistan is germane to any forum dealing with the Helsinki accords.

Quoting from chapter 7:

In the field of human rights and fundamental freedoms, the participating states will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. It will also fulfill their obligations as set forth in the International Declarations and Agreements in this field, including inter alia the international covenants on human rights by which they may be bound.

Mr. Chairman, it seems to me that you might even use the word hypocrisy in describing that divergence between U.S. rhetoric and U.S. policy. Over the last 2 months we have seen two perfect examples, two glaring examples, of this mismatch.

Some 2 months or so ago, Secretary Baldrige journeyed to Moscow to resume for the first time since the invasion of Afghanistan negotiations of a body called the U.S./U.S.S.R. Joint Commercial Commission. The purpose of the Secretary's visit was to explore ways to expand trade between our two nations.

Just this past week, Secretary Block likewise journeyed to Moscow to again revive negotiations that had been suspended subsequent to the Afghan invasion, this time in the area of agricultural cooperation and the exchange of agricultural expertise.

It happens that Senator Wallop and I had a little discussion on that point one day, and wondered what expertise the Soviets might

give us in the area of agriculture. A digression, but perhaps we are seeking advice on how to destroy our system of agriculture. Perhaps we're seeking expertise on forced collectivization. I can't imagine what kind of expertise we want to secure from the Soviets in the field of agriculture.

In any case, my point is here are two examples where, presumably, with the cooperation of the State Department and the White House, high ranking, indeed Cabinet officers, have gone to Moscow against a background of continued Soviet human rights violations in the Soviet Union, in Eastern Europe and the grossest kind of human rights violations in Afghanistan.

Those visits, those examples of business as usual, with a background of Soviet violations, massive Soviet violations of human rights, can only send one message to Moscow and the rest of the world, for that matter. That is that any statements the United States makes, however noble they might sound, are not to be taken seriously either by the Soviets or by anyone else, but our policy is something quite different if we're going to conduct business on a business as usual basis.

I find that shocking. I find it disappointing, and I find it tragic.

Thank you, Mr. Chairman. I will have questions of the witnesses.

Mr. HOYER. Thank you, Senator. I now recognize Senator Malcolm Wallop of the State of Wyoming.

Mr. WALLOP. Thank you, Mr. Chairman.

The first meeting of this Commission coincides with the approach of the 10th anniversary of the Helsinki Final Act, and with the final removal at Ottawa earlier this month of the hope which accompanied the West signing of the Helsinki Final Act.

We all, I think, can recall how we consoled ourselves for having granted the diplomatic objectives of the Soviet Union, which it had sought since 1945, legitimacy for its domination of millions of Eastern Europeans. Never mind, we in the West said, in exchange, the Soviets have agreed to something far more important, the principle that they, like all of us, are to respect human rights.

No matter how cynical their commitment to human rights, every year, in every international forum, we will hold them up to their commitment and force them to be true to it. Little by little and inch by inch, the logic of the Helsinki process will advance the cause of human rights. Despite this line of reasoning having proved to be unrealistic, you still hear it today. We should have known better from the outset.

Of course, as the Soviets signed the Helsinki Final Act, they added to the several secret police apparati under their command and ordered increased repression. Just as important for us, they began to contend at international meetings that when we Westerners agreed to the legitimacy of the way each regime treats its people—when we agreed to the legitimacy of the current regimes in Eastern Europe, we Westerners also agreed to the legitimacy of the way those regimes treat their people. So, they say, having agreed to get along, we must all show mutual respect for each other's ways. Westerners especially must show this respect.

Every year the Soviets have become more and more and more insistent upon this line. Their *modus operandi* has been to agree, after long argument, to consider a little better treatment for their

dissidents here or there according to our standards, and then almost always to fail to perform, while citing our failure to live up to their standards of human rights. They have done this year after year.

We, for our part, would come back at the next opportunity and go through the same self-deceptive drill. But now, it seems, the Soviets are not going to allow us even that little bit of face saving. At Ottawa they demanded that we personally agree that their view of human rights, the view according to which Sakharov, Shcharansky, Orlov, and the Ukrainian priests and uncounted inmates in psychiatric hospitals are getting precisely what they deserve, is as valid as any other.

Professor Samuel Zivs, vice president of the Association of Soviet Lawyers, writes (and I quote):

Similar behavior may be assessed differently in different socio-cultural conditions, just as in the case of cannibalism, what we perceive as an anomaly is known to be regarded as normal in other cultural contexts.

That incredible statement is the essence of the demand that the Soviets gave to us at Ottawa, and they gave it to us in private, too.

So, if we continue this Helsinki process, it will have to be on the basis of our giving up the notion that there is only one stand and for judging how men are to be treated. Of course, we could go back for another 10 years of meetings and say loudly what our Declaration of Independence says: "All men are created equal, and they are endowed by their creator with certain inalienable rights . . ." and so on and so on. But those would not be meetings. There would be nothing to discuss because there would be little ground on which to discuss. Rather, the logic of such meetings is negotiation on the basis of some shared understanding. The Soviets have made it plain that to the extent the Helsinki process continues, it will have to be on the basis of our accepting at least as much of their view of human rights as they accept of ours.

The Soviets at Ottawa came with an agenda of steps that we could take or statements that we could agree to to bring ourselves into compliance with their view of human rights. No doubt, in the future they will dangle the freedom of this or that prisoner whom they hold in exchange for concessions from us that will have one result above all others, to recognize that the differences between our views of how men are to be treated are merely matters of taste.

It seems to me that we have come to the point where honesty compels us to say that the assumptions upon which we entered into the Helsinki process were unfounded. Honesty also compels us to tell the Soviets and the American people that international agreements are either observed in good faith or denounced as frauds. The alternative is to become party to fraud, and little by little, willy nilly, to agree that human rights are, after all, Mr. Chairman, in the eye of the beholder.

I think it's time we began to face up to what is not the case in the Helsinki Final Act.

Mr. HOYER. I thank the gentleman for his statement.

At this time I would like to acknowledge the presence of Congressman Levin, from the State of Michigan, who joined the con-

gressional delegation to the Ottawa Human Rights Experts meeting. Thank you very much for joining us.

At this time, I would like to introduce Ambassador Schifter. Ambassador Schifter was the chief representative of the United States at the Ottawa conference. I have known Ambassador Schifter for 20 years, and during that time he has shown himself to be an individual of great intellect and commitment. The Commission extends its appreciation to Ambassador Schifter for agreeing to appear before it today.

I would say at the outset that I had the opportunity while in Ottawa to hear presentations by Ambassador Schifter and since then have read subsequent presentations made at Ottawa. They were precise and unequivocally stated the commitment of the American Government and people to the concept of human rights of all individuals.

Your remarks, Mr. Ambassador, reflect that the basis of our Government and laws is a deep and true concern for safeguarding the rights of the individual, whether that individual lives in the United States or any other place in the world. I congratulate you on your eloquent and forthright representation of the U.S. position in Ottawa.

And now, Mr. Ambassador, I would like to introduce you for the purpose of making such statement as you deem proper at this time.

Ambassador SCHIFTER. Thank you very much, Mr. Chairman.

May I perhaps start out by saying to Senator Wallop that, as my statement will indicate, I start out with the same assumption about the Soviet Union, Senator, as you do. I have some different notions on how to deal with the problem, given the same assumptions.

Mr. Chairman, members of the Commission, the Ottawa Human Rights Experts' Meeting was an international conference quite different from the kind of conference to which we have become accustomed.

Most international conferences convene for the purpose of negotiating and resolving disputes or for the purpose of discussing a problem of common concern and reaching agreement on a cooperative solution to that problem.

The kind of dispute which traditionally was the subject of international negotiations and agreements was a dispute that involved conflicting national interests. The issue of human rights, which involves, essentially, the treatment by the Government of a country of its own citizens has, until the recent past, not been viewed as an appropriate subject for discussion at international conferences.

When the issue of human rights was first put on the agenda of the negotiations that led up to the Helsinki accords, it was dealt with as one of a series of problems of common concern to all the participants in the negotiation. Yet anyone who even cursorily examined the text of Principle VII, the human rights provisions of the accords, would have noted that some of the signatory states had merely recodified their own practices in dealing with their citizenry, while others had, in effect, pledged themselves to make significant changes in the relationship between individual citizens and their Government.

The question of what the Soviet representatives had in mind when they agreed to the inclusion of human rights provisions in

the Helsinki accords can, for some time to come, be an interesting topic of speculation. What we can safely assume, though, is that they did not give a great deal of thought at that time to the possibility of their being held accountable at international gatherings for shortfalls in their performance under the Helsinki accords.

Nevertheless, accountability in the area of human rights has been introduced into the Helsinki followup process and has been a topic of discussion at Belgrade, at Madrid and, once again, at Ottawa.

The ideal result of a follow-up meeting would be an agreement under which a country which is not now in compliance with the human rights provisions of the Helsinki accords would obligate itself to comply henceforth. However, such a result cannot realistically be expected from the Soviet Union or from other countries in the Soviet sphere.

In that case, what good can be accomplished by a meeting such as that which had been scheduled to take place in Ottawa? That was indeed the critical question which we pondered as we prepared ourselves for Ottawa.

We reached the conclusion that we faced two possibilities. As we saw it, the Soviet Union could use the occasion of the Ottawa Human Rights Experts Meeting as an occasion in anticipation of which it might review some of its policies which are deemed human rights violations and might agree to alterations therein.

With that possibility in mind, we engaged in the months preceding the Ottawa meeting in informal conversations with Soviet representatives. We emphasized the contribution which the resolution of human rights problems could make to the relaxation of international tension.

We also suggested that if some of these matters could be resolved in informal discussions, such resolution could have beneficial effects on the meeting. To our regret, though not to our surprise, the Soviet response to our inquiries was not positive.

We, therefore, had to fall back on our plan for the second possibility, namely, that the Soviet Union would decide to tough it out at Ottawa.

In that case, we decided, we would speak plainly and clearly of human rights violations in the Soviet Union and other states whose governments violate the human rights of their citizens. Recognizing the framework provided by the Helsinki accords, we decided that we would concentrate on human rights violations which we deemed could be corrected with relative ease, without effecting systemic change within the Soviet Union or the other states in the Soviet sphere.

That is what we ultimately did. In our speeches we did not resort to invective and generalized polemics; but we did lay out the facts as we saw them, and gave clear expression to our deep concern. As our speeches have been submitted for the record, they need not be summarized here.

Given the Soviet decision not to engage in preliminary talks on the subject of human rights, it was clear to us from the beginning that the so-called implementation phase of the Ottawa meeting, the phase in which we discussed human rights performance, would be the most important part of the meeting. And so it was.

Nevertheless, we also had to focus on the fact that under the mandate for the meeting, "conclusions and recommendations" were to be prepared. We had to set aside time to deal with that aspect of the conference as well.

Under the process created by the Helsinki accords, all actions taken at a conference require the unanimous consent of all countries participating in a meeting. Given that fact and knowing of the Soviet decision to "tough it out," we recognized that the likelihood of reaching agreement on useful "conclusions and recommendations" was close to nil.

This set of circumstances posed a unique challenge to us. Do we simply recognize that nothing that we would propose would be acceptable to the Soviets and not even bother to prepare proposed conclusions and recommendations? Or should we draft proposals for a concluding document as if there were a chance of reaching agreement?

We decided to take the latter course. And when I say "we," I refer to the 16 participants who belong to the North Atlantic Treaty Organization and who caucused every working day of the Ottawa conference. Representatives of the 16 NATO countries met regularly, sifted through a series of suggestions made by the various member states, and then formulated specific recommendations.

As the Helsinki Final Act and the Madrid Concluding Document were couched in rather general terms, the thrust of our proposal at Ottawa was toward specificity. We recommended arrangements for the monitoring of criminal trials, reductions in the time period of incommunicado detention, freedom of movement, free contacts between representatives of free labor unions, et cetera.

Any fairminded observer would have characterized our proposals as moderate both in tone and in substance. Yet not one of them was acceptable to the Soviet delegation.

This result of lack of agreement on specific recommendations was, of course, foreordained in light of the Soviet decision not to engage in substantive preliminary talks with us in the months preceding the Ottawa meeting.

A delegation sent to the 6-week meeting in Ottawa was obviously in no position to bind the Soviet Government to changes in its conduct of its domestic affairs which, though they might be deemed minor by our standards, would nevertheless be deemed significant to the Soviet Union.

Nor was it reasonable to expect that a delegation would, after hearing its country criticized for a number of weeks, suddenly throw up its hands and say, "You have convinced us. We shall sin no more, and will promise so in writing."

The point I am seeking to make is that, absent an advance agreement with the Soviet Union, a meaningful concluding document at Ottawa was simply not in the cards. The only options that were available to us were a document which would paper over the significant differences in outlook with phrases that might have different meaning to the different sides, or to end with a brief factual statement, or have no final document at all.

As the meeting progressed and the circumstances under which we would be concluding our session came more clearly into focus, the members of the alliance came increasingly to the conclusion

that no document at all would be preferable to a concluding document that would do nothing other than mislead the public as to the nature of the conference.

The neutrals and nonaligned made a final effort at the end of the conference to obtain agreement on a short document, an important element of which was a recommendation for future meetings of this kind. When, after acceptance of this proposal by the Western countries, the Soviet bloc rejected it, even the neutrals and nonaligned gave up. The result was no document at all.

As there has been quite a bit of comment on the fact that the Ottawa meeting did not end with the adoption of any final text, let me therefore state again, in summary form, the conclusions that I would draw from that fact.

First, we should note that the reason why there was no final document was, in its essence, that the Soviet Union was not prepared at this meeting to commit itself to changes in its human rights policies that would have given real meaning to a final text.

Second, the participants in the Ottawa conference faced up to the absence of an agreement on questions of substance by letting the world see that fact plainly, without the varnish of a final text.

If there never was a chance of reaching a meaningful agreement, was there any purpose to the Ottawa conference? I would say there was, and would now like to set forth the reasons that lead me to that conclusion:

First, I share the view of a good many participants in the conference that we made a significant impact on the smaller Warsaw Pact countries. We were left with the impression that these countries are interested in improving their standing in and relations with the West. From the messages they received at Ottawa from a great many Western countries, they seemed to have recognized that improvement in their human rights performance could play a significant role in improving their standing in the West. There is reason to believe that this is the message that they have taken home.

Second, the fact that international meetings take place at which attention is paid to their plight encourages the brave men and women behind the Iron Curtain who stand up for their rights to continue their struggle.

As news about the Ottawa meeting was broadcast to Eastern Europe, the meeting made a valuable contribution to keeping up the spirit of those who have sacrificed a great deal for the cause of freedom.

Third, though the Soviet leadership is not likely to respond directly to complaints presented to them by diplomats in conferences closed to the outside world, the Soviet leadership does seem to be sensitive to adverse publicity. To the extent to which the Ottawa meeting has received and may continue to receive publicity which the Soviet Union deems adverse to its interests, it might have contributed to the forces at work that might, over time, change Soviet human rights policy.

Fourth, the chances of improving human rights performance in the Warsaw Pact countries are significantly enhanced by an appeal from the West which is delivered in unison. At Ottawa, we were

able to hammer out, as I mentioned before, a series of proposals for specific improvements in human rights conditions.

These proposals were, at the end of the session, combined into a single document, designated OME 47, which was tabled in the name of 17 countries. These were the 10 countries which make up the European Community as well as the 7 countries which belong to NATO but not to the EC.

Operating under the pressure cooker of a conference, we composed this document in the space of about 2 weeks. In the absence of a conference, it might have taken years of crossing t's and dotting i's before such a document could have been completed. It is now on the record and can serve as the basis of a unified Western human rights campaign in the years to come.

Fifth, the fact that the neutrals in the West saw, basically, eye to eye at the Ottawa Conference underlined the fact that the issue of human rights is not one that is tied to purely military alignments, but is one which truly concerns the conscience of the civilized world.

There is one final point which I would like to make. We must keep in mind that a meeting such as that which was held at Ottawa was unthinkable as recently as 15 years ago. The concept of limited government, the ideas of the rights of the individual which originated with the thinkers and writers of the 18th century and which were enshrined in our own Declaration of Independence were ideas advanced first by individuals, then by groups and movements, and were then adopted by countries, but only for domestic application.

The notion that governments might monitor the behavior of other governments toward their own citizens, that there would be international conferences at which the domestic practices of participating countries would be subjected to scrutiny is one of very recent origin.

While the results might be meager in their beginning stage, they might be more plentiful in the future. What this means is that we ought to give the CSCE process further time to evolve before passing judgment on whether it has accomplished anything and whether the results justify our investment of effort.

Mr. Chairman, may I just in conclusion say that I want to express my thanks here for the support that we received, not only from the State Department in Ottawa but also from the staff of your Commission. It was really great to be able to depend on the help and assistance of your staff in all that we did.

Mr. HOYER. Thank you very much, Mr. Ambassador.

At this time, before recognizing Mr. Matthews or Mr. Palmer, I'd like to turn the meeting over to our chairman, Senator Alfonse D'Amato of the State of New York, who, as I said earlier today, was testifying before the Senate Finance Committee.

Mr. D'AMATO. Thank you, Congressman Hoyer. Mr. Co-Chairman and members of the Commission, please accept my apologies for arriving late. I had to testify before the Finance Committee. First, let me commend Ambassador Schifter, not only for his presentation today but for the eloquence, the depth, and the perception of his remarks. The Ottawa meeting, in my opinion, did accomplish much more than some would initially recognize. Indeed, the Soviets had

their own agenda. Their purpose was to compromise the principles of human rights by merging them with other considerations in a way that would have been totally unacceptable.

Ambassador, you and your leadership provided the bulwark to keep our NATO allies and Ireland together. We said that we will not and cannot compromise these principles. It's only when the Soviets understand that we will move forward united in this area to see that Principle VII's provisions are adhered to that, I believe, we will make substantial gains. And it's only after they recognize that there is linkage—there is definite linkage—with respect to other aspects of our bilateral relationship, in terms of security and in terms of trade, that we have hope to obtain the desired results under the Helsinki accords.

I'm going to ask that my full opening statement be placed in the record because I think it's important that we continue on and hear our Ambassadors, and the other State Department officials.

[Following is the full text of Chairman D'Amato's statement:]

OPENING STATEMENT, COMMISSION ON SECURITY AND COOPERATION IN EUROPE HEARING ON OTTAWA HUMAN RIGHTS EXPERTS' MEETING AND THE FUTURE OF THE HELSINKI PROCESS

I welcome Secretary Matthews, Secretary Palmer, and Ambassador Schifter to this, the first hearing of the Commission on Security and Cooperation in Europe under the leadership of my Co-chairman, the distinguished Congressman from Maryland, Steny Hoyer, and me. This is a particularly important hearing because the Human Rights Experts' Meeting just concluded in Ottawa last week without agreement.

Since human rights is one of the main focuses of this Commission, the results of the Ottawa meeting are important not only in themselves, but also in a larger context. I look forward to discussing the various aspects of this situation with all of you this morning.

I want to share with you my thoughts on this situation. I view Ottawa as a success for the West. I hold this view, even though there was no agreement on a concluding document, for these reasons:

The unity of the NATO Alliance in support of human rights was preserved;

The NATO Allies plus Ireland produced a document which can be the blueprint for future efforts to improve respect for human rights and fundamental freedoms in future negotiations;

The Soviet Union was denied its objective of diluting the human rights and fundamental freedoms provisions included in Principle VII of the Final Act;

The West did not succumb to "diplomats disease"—seeking an agreement at any price. In fact, not getting an agreement sets a potentially useful precedent for future meetings; and

The United States made a clear and extensive record on Soviet and Eastern European violations of human rights and fundamental freedoms.

To be understood, the results of Ottawa must be seen in the context of developments since the end of the Madrid Review Conference in 1983. The Madrid Concluding Document mandated the Ottawa Human Rights Experts' Meeting and set a requirement for the meeting to produce conclusions and recommendations. The meeting was held in accordance with the directions from Madrid, but did not produce any conclusions or recommendations.

The proximate reason why no conclusions or recommendations were produced is that the CSCE rules require consensus among the 35 participating states on any document. The Soviet Union prevented the achievement of consensus by refusing to seriously discuss any of the Western proposals.

Apparently, the Soviet Union and the other Eastern Bloc nations came to Ottawa with the intervention of injecting into this meeting a Marxist view of human rights. They attempted to press economic and social rights as human rights of equal stature to the civil and political rights not predominant in Principle VII.

Principle VII, in the view of the Western nations, embodies our values regarding individual rights. Economic and social rights are dealt with in other parts of the Helsinki Final Act. Since the Final Act is itself a balanced document—the result of

a long negotiating process in Helsinki—it is a compromise in its original form between the values and interests of the participating states. The presence of Principle VII was essential to obtain the West's approval of the Final Act.

The Soviet intent was to separate Principle VII from the negotiating context in which it was agreed to in Helsinki and to compromise it again—in both senses of the word "compromise". In their view, injecting the Marxist view of economic and social rights into Principle VII is necessary to "restore balance" to this provision of the Final Act. This Soviet position is pernicious in the extreme because it deliberately ignores the West's view of the balance of values the Final Act as a whole represents and is a skillful and deliberate assault on our concept of human rights and fundamental freedoms.

If the West had accepted the Soviet view of the world—the proposition that collective rights are more important than individual rights—we would have made a mockery of our own fundamental values. We would have fatally unbalanced the Final Act and we would have undermined the credibility of the Helsinki process for all time.

The Ottawa meeting was held against a background of continuing and, indeed, worsening Soviet violations of human rights and fundamental freedoms. Ambassador Schifter did a superb job of documenting these violations in his speeches in Ottawa.

It seems to me that it was clearly impossible to accept any sort of compromise concluding document in the face of this kind of a Soviet record. Any "agreement" reached by the Human Rights Experts' Meeting which failed to clearly reflect this dismal Soviet record would be unacceptable to the American people and to the people of the Western democracies. An agreement which failed to call the Soviets to task for their arrogant disregard of the Helsinki Final Act's human rights provisions would be employed by the Soviets as a paper "fig leaf" to cover up their continuing blatant disregard of the international undertakings they had freely assumed.

This is a key point. The United States must insist on compliance with past international agreements before entering into new agreements with the same parties. Failure to insist on compliance reflects a lack of political will. Failure to insist on compliance leads the other party to lose respect for you at the negotiating table and in bilateral relations generally.

By the way, let me emphasize that this rule applies to Geneva and the Arms Reduction Talks just as strongly as it does to Ottawa and the other CSCE negotiations. I won't go into those issues at length here, but I very strongly believe that when negotiating with an adversary who has a proven track record of flouting provisions of treaties and agreements, we must demand compliance first.

In Ottawa, at the first meeting under the CSCE process devoted exclusively to a review of respect for human rights and fundamental freedoms in the participating states, we presented information which constituted a reasonably thorough review of Soviet and East European shortcomings in implementing the obligations they freely assumed in the Final Act. These shortcomings were not the result of negligence, mistake, or developments which were beyond their control. They were substantially the result—indeed, the intended and specifically desired result—of deliberate state policies consistently pursued over a period of years.

We can draw only one conclusion from this situation. That conclusion is that the Soviet Union did not negotiate in good faith in Helsinki and had no intention of obeying the human rights or fundamental freedoms provisions of the Final Act.

How then do we enforce the provisions of the Final Act? In the specific, unless we are willing to declare war and, in fact, prevail, there is no way to enforce the provisions of the Final Act. Clearly, no one would suggest such a course of action. We must, then, settle for denying the Soviet Union the fruits of its manifestly dishonest and deceitful behavior.

What are the Soviet leaders seeking through the Helsinki process? I believe they have a long and complex agenda for this series of continuing international negotiations. In the field of human rights, I believe they see the Helsinki process as an opportunity to conduct damage control operations to limit the negative effect their treatment of their own people has had on their stature in world public opinion. In the field of European security, I believe they are in search of issues and opportunities to divide the NATO Alliance and inflame the European peace movement, in pursuit of their objective of an isolated America and neutral Europe under Soviet tutelage. Finally, in the field of cultural and trade matters, I believe they are seeking access to Western high technology and the ability to display, in a favorable light, those aspects of their culture which make their system appear attractive and successful.

The best response, within the Helsinki process, to the Soviet failure to comply with the provisions of an agreement they freely signed, is to have a coordinated policy to deny to them each and every one of these objectives. Nothing less will suffice.

Let me make very clear why withdrawal from the Helsinki process is not a viable option. The first reason is we lose the best international forum in which to hold them to account for their violations of human rights. Where else could we have so isolated the Soviet Union that its responses to our litany of human tragedy enforced at the hands of Soviet officials were confined to discussions of U.S. unemployment, homelessness, discrimination, and medical care problems?

The United Nations is not an alternative for the discussion of human rights issues. There, extraneous matters can be brought up to muddy and confuse the subject. Because discussion in the Helsinki process can be confined to events within the borders of the participating states, such matters as Afghanistan do not get discussed, but then neither do such matters as El Salvador, Grenada, and Nicaragua.

The second major reason is that a U.S. decision to pull out of the Helsinki process would concede to the Soviet Union one of their major objectives—a European security conference with the United States excluded. The Stockholm CDE meeting under the Helsinki process would become just such a conference if we gave up on the process. The United States and our allies have opposed such a conference for years, correctly fearing lasting damage to the West.

There are many other reasons why the process should continue, but time is too short to explore them here. In order, however, to keep the Soviets from profiting from their unprincipled behavior, we must make clear to our allies that we have a coherent policy to counteract Soviet non-compliance and demonstrate to our allies that it is in their best interests to support our policy.

I will explore with you this morning many different aspects of this situation. I believe it is essential that we make a record which provides a clear rationale for our actions in Helsinki next month, in Budapest in October, in Bern next April, and in Vienna next November.

At this time, I will defer to my distinguished Co-chairman for any remarks he may have.

Thank you.

Mr. D'AMATO. We'll hear from Mr. Matthews at this time. Mr. Matthews is the Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs.

Mr. MATTHEWS. Thank you, Mr. Chairman. I would like to associate myself, of course, with the remarks which Ambassador Schifter just concluded in his assessment of the actual conduct of the Ottawa meeting.

As you know, it falls to me in my responsibilities to work full time in the area of human rights worldwide. I don't even have the luxury, such as it is, of compartmentalizing the Soviet Union and some of its friends, to confine my efforts to that end.

I think I would begin, and I will keep my remarks brief, but I would certainly begin with the observation and, indeed, the lament, that working in human rights can be very frustrating. It's hard to find the levers, it's hard to find the buttons to produce results in some seemingly intractable situations at times.

I do think that it behooves us as a government, and let me say as well with equal conviction also those who are out of government, to combine our best efforts and have the patience to face up to the frustrations and speak out, always speaking out, about the real and terrible things which go on.

Before coming over here today, I ran a check on what the Soviet propaganda apparatus perhaps had had to say about the Ottawa experience; and frankly, we found, checking back, that there was not a great deal. But I did find a commentary back on May 11, I think this is, in which your erstwhile Soviet colleague, Ambassador

Sofinsky, observed that the Soviet delegation was ready to describe in detail all the issues connected with implementing human rights in the Soviet Union.

He noted: "We have achieved in our country something that cannot be achieved in any capitalist country." I think we can certainly agree with Ambassador Sofinsky that they have. They have an oppressive dictatorship in the Soviet Union, and Ambassador Schifter most eloquently and with telling effect, it seems to me, pointed that up in his many fine presentations there in Ottawa.

I think the question which has been raised by some of the members, and most legitimately, of course, is what possible reason do we have to believe that the Helsinki process itself is of any utility in promoting human rights?

Clearly, the answer to this question depends heavily on what one has expected, as opposed to what one has hoped, from the Helsinki process. If it meant simply that another set of signatures on another set of documents would quickly translate into positive changes in the internal human rights practices of those states which abuse human rights, would we all be delighted?

On the other hand, I think that if we saw the Final Act and the many other documents that comprise the literature, if you will, in human rights, statutes, and declarations, as strands, then the signing of the Helsinki Final Act was one more strand and gave us one more admission, if you will, into the legitimacy of dealing with human rights questions in meetings precisely like that.

I must observe that as one whose own service has been largely in Communist countries and other areas where there was either a breakdown or a complete lack of institutions which are responsible for the respect of human rights and correcting abuses which occur, I must observe that, until the early 1970's, there really was not the active discussion of another country's internal human rights practices was not generally conceded the kind of legitimacy that now is the case.

It is accepted, more or less, now that this is a valid topic of discussion even though, as well described by Ambassador Schifter, this is not to say that some of the interlocutors care for it any the more.

I think what we had hoped for in the Final Act and from all other measures designed to promote human rights was that it would stimulate and broaden international discussion and concern over human rights matters, help make such discussion an integral, accepted legitimate part of international relations and of relations between states, and give some hope, as Ambassador Schifter has noted, to those who suffer so egregiously in the Soviet Union and other countries where oppressive practices prevail.

I think, from these perspectives, that we have had some successes here; the question in our foreign relations, our foreign policy, today is not just whether we could make human rights concerns a factor in bilateral relations with other countries, but rather the degree to which we do so in specific cases.

For my part, I am struck by the extent to which in the last 10 to 15 years there has been such an almost exponential increase in the number of entities, that is to say, governments, activists, organiza-

tions, including, of course, concerned and active members of this Congress, interested in all aspects of human rights, most particularly, of course, concerning the Soviet Union and Eastern Europe. There is simply a lot more going on at any given time, as witness your own concerns, than was ever the case, it seems to me, a decade ago.

As frustrating, to come back to that point, as it can be to see the suffering going on, individuals well known to us as well as the countless many others not as well known, the combined effort, it seems to me, of governments, the U.S. Government, other governments, and as I say, dedicated activists because, certainly, human rights is far too important to be left just to government—I believe history shows us—I am persuaded—that even as we will be reiterating the many criticisms that it falls to us to make in forums such as Ottawa, that we must go on reiterating and trying to achieve progress where and as it may be possible.

I believe, as Dr. Andrei Sakharov himself, who when once asked what could help promote the cause of human rights in the Soviet Union, reflected and replied that it was difficult he conceded, to say what would work; but one thing he could say would not work and must be avoided, and that is silence. I believe, it seems to me, that that's what it comes down to so often in the case of things like the Helsinki process.

Thank you, Mr. Chairman.

[Following is the full text of Mr. Matthews' statement:]

HA DEPUTY ASSISTANT SECRETARY GARY MATTHEWS
TESTIMONY
BEFORE
THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE
JUNE 25, 1985

Throughout the Helsinki process, the U.S. and its allies have insisted that the human rights components of the Helsinki Final Act are of equal importance to the security components. They have argued that the credibility of the process requires that progress towards implementing the requirements of the human rights provisions go hand in hand with developing security measures. Yet, as Ambassador Schifter stated so clearly in Ottawa, the record of the Soviet Union and of some Eastern European states with respect to human rights has actually deteriorated in the 10 years since the signing of the Final Act. The natural question which arises is, what possible reason do we have to believe that the Helsinki process is of any utility for promoting human rights?

The answer to this question depends heavily on what one expected, as opposed to hoped, from the Helsinki process. If one thought that the simple signing of pieces of paper such as the Final Act and Madrid Concluding Document would quickly translate into positive changes in the internal human rights practices of those participating states which abuse human rights, then your answer will be that the process has failed. If one saw the Final Act as one more strand in the evolution of making human rights an important factor in the conduct of international relations, however, rather than as a "cure" in-and-of-itself, it can be viewed in a more positive light. We must remember that:

--Until the early 1970s, the discussion of another country's internal human rights practices was not generally considered to be a valid topic of discussion between sovereign states. Despite earlier documents such as the Universal Declaration of Human Rights, it was fairly universally accepted that criticism of other countries' human rights practices constituted "interference in internal affairs." Foreign policy was deemed to consist only of matters concerning relations between states.

--It was only in the 1970s when, for a variety of reasons, this outlook began to change. The Helsinki Final Act was one of the first instances of an explicit statement that not only are basic human rights something to which all persons are entitled, but also that they are an important part of promoting peace and cooperation among states. They were brought directly into the conduct of relations among states.

--Promoting human rights involves bringing about some fundamental changes in the way many governments look at their own peoples and societies. Often, it means reversing the

trends of centuries of development in the relations between peoples and their states. It might be argued that promoting human rights requires reversing the examples of most of human history. Desirable though it is, such a reversal will not occur in 10 years.

--It took a number of important "pieces of paper" such as Magna Charta, the Petition of Right, the Declaration of Independence, and the Declaration of the Rights of Man and the Citizen, to provide rallying points around which freedom-seeking peoples could organize their efforts and derive intellectual guidance. Even today, in democratic countries with a good track record of respecting human rights, imperfections exist, abuses still occur.

--The Helsinki process, like other historic steps which promoted democracy and human rights, is but one step in a historical process. It is not isolated from the many other actions nations and people undertake daily to promote human rights, and the success or failure of human rights efforts cannot be hung only on this one strand of the effort.

--No one could realistically think that signing the Final Act, or any other piece of paper, would quickly result in fundamentally oppressive systems reversing the entire nature of their states' relations with their peoples. It is simply an unfortunate fact that oppressors do not easily or readily give up their oppression. What we hoped for from the Final Act, as from all other measures designed to promote human rights, was that it would stimulate and broaden international discussion and concern over human rights matters; that it would help make such discussion an integral, accepted, legitimate part of international relations and of relations between states; and that it would give some hope and support to those who suffer oppression in the participating states. We hoped that the Final Act would constitute one strong strand in an overall trend towards making human rights the concern and responsibility of all governments and peoples. Viewed from this perspective, I think that we have had some success.

--In the 10 years since Helsinki, human rights have become an important factor in the foreign policies of many countries, including that of the United States. This is due to more than only Helsinki, but that was an important factor. The question in our foreign policy today is not whether we should make human rights concerns a factor in bilateral relations with other countries, but rather the degree to which we do so in specific cases. Other democratic countries are also steadily moving in its direction.

--Perhaps even more important is that the Helsinki process has helped stimulate a substantial widening of public interest and involvement in international human rights matters. Since WWII, there have been a number of individuals and organizations which have worked to promote human rights. Organizations such

as Amnesty International long pre-date Helsinki. However, since the 1970s, partly as a result of the Helsinki Final Act, we have seen concern over human rights becoming a matter of mass concern. For the first time in human history, we have literally hundreds of thousands of persons, in dozens of countries, who consider that they have a right and an obligation to examine, comment on, and criticize the human rights practices of other countries and the policy of their own government towards those countries. In democratic countries, such popular involvement translates into pressure for action on governments, which affects foreign policy.

--It is easy to point to the effect of human rights concerns derived from the Final Act in the Western democracies. We have our Helsinki Monitoring Groups which explicitly promote compliance with the Final Act. However, we must remember that the Final Act has also stimulated freedom-seekers in Eastern Europe and the Soviet Union. Solidarity in Poland based many of its demands on provisions of the Final Act. Helsinki Monitoring Groups were formed in a number of areas in the Soviet Union. Charter 77 and VONS in Czechoslovakia drew inspiration from the Final Act. We have over the years asked many of the activists in those countries whether or not they feel Helsinki has any meaning; should it be continued? While this is not a unanimous view, many tell us that Helsinki has meant something important to them, it has given them inspiration and moral support; it should be continued. It is not the answer to human rights problems, but it is a factor in the long struggle to correct them.

--But, you will say, many of those Helsinki monitors are now in jail for their activities, the repression continues and, in some places, intensifies. Some prominent activists have denounced the process as meaningless. This is all true. Again, it comes back to the question of what one expected from Helsinki in the first place. The fact remains that, partly due to Helsinki, the U.S. and other nations are increasingly making human rights concerns important factors in their bilateral relations with the offending states. It is not, and cannot be, the sole decisive factor in relations. It is, though, increasingly a matter which has a practical affect on relations. It has certainly affected the conduct of U.S. relations with the Soviet Union, Romania, Poland, and a number of other countries throughout the world.

--The Ottawa Human Rights Experts Meeting contributed to this process. Ambassador Schifter has already outlined what actually happened in Ottawa, and why we feel its result can be considered a success in terms of our interests. We who deal every day with human rights problems, including all of the NGOs which have been active in human rights work, sometimes tend to forget that the public at large is not nearly as aware of these problems as we are. The HREM helped bring to public attention

many problems which are often discussed and known only in more limited human rights circles. The more the public knows about human rights problems, the more it will ensure that they remain important factors in foreign policy formulation.

--The HREM was also useful with respect to the CSCE process as a whole. Again I must restate the obvious; oppressive systems will not give up their oppression simply because of a meeting or a piece of paper. It is unrealistic to expect differently. What is important is that the Western Allies reached among themselves an important consensus on practical steps to be pursued to promote compliance with the human rights provisions of the Final Act. OME 47, described by Ambassador Schifter, is a policy statement by the NATO 16 and Ireland (and many of its provisions were supported also by NNA countries) of what we look for in human rights progress. It is a program for us to follow throughout the CSCE process. Many of those individual provisions directly apply to matters which will be discussed at the upcoming Budapest Cultural Forum and the Bern Human Contacts Meeting. All of them apply to the 1986 Vienna Review Conference, a meeting in which the West will have considerably more leverage to work for substantive concessions than was possible at Ottawa. OME 47 represents the united program of the Western democracies.

--There is another aspect to evaluating Ottawa, OME 47, and the CSCE human rights process. Human rights is, of course, a world-wide concern, not limited simply to the European context. The involvement of the Western democracies in promoting a common program for progress in human rights in CSCE, can be expanded into a wider context. Practical measures such as abolition of incommunicado detention, humanitarian treatment of prisoners, and other measures described in OME 47, have world-wide application. It is certainly one of our goals to work with the other sponsors of OME 47 to promote its provisions beyond the CSCE participating states.

--In the end, judging the value of the CSCE process for promoting human rights requires both a realistic appreciation of what is possible, and determined efforts to accomplish that "possible." Our view is, that what is "possible" is steadily to build consensus in the democratic countries to make human rights concerns an essential factor in all aspects of our relations with the Soviet Union and the Eastern European states which violate fundamental human rights. By persisting with the CSCE process and insisting on inserting human rights concerns, we work to build that consensus. That, is what, over time, may result in the alleviation of some of the important concerns we have.

--We have now reached the point where there can be no dialogue between the U.S. and the Soviet Bloc, or many other Western nations and the Bloc, without discussion of human rights concerns. There have been some gains from this dialogue, never as much as we would like, but important

nonetheless for many individuals. Our efforts in the CSCE process are not separate from our efforts bilaterally and in other multilateral fora. We must persist with our efforts across the board, including CSCE. We must not become discouraged when we do not get dramatic, sudden results, because the nature of the problem is such that that will rarely occur. Rather, we must go on to each succeeding meeting - Budapest, Bern, Vienna - and keep the pressure on. The Western unity which we saw in Ottawa must be continued and built into a position that makes clear that the Soviets and their allies will not be allowed anything important to them, without meeting our important concerns.

Mr. D'AMATO. Mr. Palmer, the Deputy Assistant Secretary of State for European Affairs.

Mr. PALMER. Thank you, Mr. Chairman.

Vladimir Bukovsky, who was the major author of the statement issued on May 8, is a very dear friend of mine. We talk on the phone or see one another literally weekly. He and I went through an agonizing period when I was in the Embassy in Moscow and was responsible for our connection, for the lifeline, really, to the dissident movement in the Soviet Union.

We've had a vigorous and spirited, as all our discussions are, dialog on this specific question of whether we should declare the CSCE process "null and void," to use the words of his statement, or not. Partly because I respect him so deeply and think that he is perhaps the most talented political leader in exile today, we've made an effort also to ask some of the people who are still in Poland and the Soviet Union, and elsewhere whether they believe we should declare it null and void. What is their view? Because his situation is necessarily somewhat different from those who are still trying to do what he for so many years fought so courageously to do and went to jail three times to try to accomplish.

We talked, for example, very recently, with Walesa, the leader of Solidarity. Walesa and many others feel very strongly that we should not back away from this process, that there is no other alternative, and that—I think that, to me, anyway, is the key question. If we declared it null and void, what would be left with which was better?

With all the failings of the CSCE process—and anybody would be a hypocrite not to admit that there are failings, intentions, and difficult moral issues at stake here, questions of legitimization of the Soviet Union by meeting them in this way and continuing to meet with them in the face of continuing violations—there is a serious moral issue. But the alternative would be, I think, to fall back on simply the United Nations where Ambassador Schifter has extraordinary experience and extraordinary, even greater, frustration; because we all know the lineup in the United Nations is far worse than the lineup in CSCE.

As Ambassador Schifter has just noted, we did remarkably well in this meeting in the context of having not only our allies with us but also the neutral and nonaligned group. The Soviet Union was very much isolated. That is unlikely to happen in the U.N. context.

Therefore, I think the first question we have to ask ourselves is what would we replace it with which would be better. I personally see no alternative.

Second, I want, speaking on behalf of Secretary Shultz, to say that he is also deeply committed to bringing human rights constantly to the attention of Mr. Gromyko, and through him, Mr. Gorbachev. The President has done that repeatedly in the communications that he has had with Gorbachev. Secretary Baldrige and Secretary Block both did this very seriously when they were in Moscow, and I know there are concerns about their trips there; but those trips provided an opportunity to raise our concerns at the highest level and to make clear that a completely normal trade relationship is not possible—they said that explicitly to Gorbachev—without a distinct improvement in the human rights situation.

Let me just say a few words about where we see the CSCE process going from here. The next step, as we're all aware, is the 10th anniversary commemoration in Helsinki at the end of July. Secretary Shultz will be going to that meeting, and I can say that, of the five Secretaries of State that I have worked with in preparing for meetings with Mr. Gromyko, George Shultz is absolutely in a class by himself in raising human rights issues up front.

Mr. Gromyko doesn't like it. He constantly argues that this is not a legitimate subject for bilateral relations, but Shultz is very, very determined. The ex-Marine in him comes very much to the surface when this issue is addressed between them, and that meeting, the 10th anniversary meeting, provides a context for him to do it in private with Mr. Gromyko, which he will do. Equally importantly, it provides an opportunity for him and all the other Western leaders to do it in public.

If we didn't have that meeting, we would not have that opportunity. So it is an opportunity for all of the Foreign Ministers. Some of them, frankly, are not as keen about it as we are, but they will be forced by the circumstances to speak out on this issue forcefully. Most, perhaps all, of the Foreign Ministers there will. Some of them are particularly good, as Ambassador Schifter sensed in the Ottawa meeting.

The next stage beyond the 10th anniversary meeting is, of course, the Budapest Cultural Forum which starts October 15 of this year. I just wanted to mention quickly the kinds of things that we think the cultural forum can usefully address.

It will address, among other things, questions of censorship, lack of respect for cultural and religious heritage, restriction of contacts and travel, interference with the flow of information, and repression of national and cultural minorities.

So although the title may sound a little bit like symphony orchestras and theater exchanges, the content will allow us to get into some very difficult and very important human issues.

We have an outstanding delegation going there, headed by Ambassador Stoessel, but including an extraordinary wealth of talent of the American intelligentsia. A very large number of our best writers, musicians, et cetera, will be going there and will be pushing the East to expand contacts in all of these areas.

Again, I might say that in talks with Walesa and others, including leaders in the Soviet Union of the dissident movement, they be-

lieve this is the lifeline, that if we cut off contacts of this sort, we're hurting them more than we're helping anything, and that we should be trying to increase all of these contacts. All exchanges, from their point of view, are helpful.

Mr. D'AMATO. Mr. Secretary, let me ask you before you close, if you don't think there's a growing frustration and a feeling that the Helsinki process may be a waste of time, that it serves no purpose? Not only today, at this hearing, but even from some of the people who fight the hardest for human rights. When you talk to them, their frustration comes through. I know Ambassador Schifter saw that during the process in the various groups that he met with that champion the cause of freedom.

Let me suggest to you that there's a growing feeling in the Congress that our support for human rights is rhetoric. Moreover, many feel that the Soviets view our activities in this area as nothing more than rhetoric.

We get up and make charges and we document cases. Then we have them hurl back incredible kinds of things about how my grandparents were responsible for killing 10 million native Americans. My grandparents happened to be someplace else, in another country, when the American West was settled. Well, some of those things may have happened, but on the serious side, it seems to me that your statement about Secretary Shultz and his being the tough Marine is hollow.

Now why do I say that? Because unless we insist that there be compliance with agreements that have been signed, we will have nothing but worthless pieces of paper. These agreements cover human rights, not matters that are going to threaten their security. They signed these agreements on basic human rights. We don't seem to realize that. They not only systematically violate these agreements, but they go after those who have attempted to see to it that the Helsinki Final Act is lived up to. The Soviets persecute the Helsinki monitors with such virulence, and we know what the Soviet record is on those who have stood up for human rights, that we are making a sham of what we say when we claim we are serious about our commitment to human rights.

So let me suggest to you why I believe it is important that we press on and why the Helsinki process is the only forum—and Ambassador Schifter and I agreed when we spoke about this issue. We don't want to be left with just the United Nations as the only forum in which we can press our human rights concerns. But you know what? The acts of the administration bely the rhetoric that I hear here.

There should be no talk about trade, about working to bring about better trade agreements and other agreements, unless the Soviet Union can begin to comply with these fundamental responsibilities that they've agreed to. Absolutely none.

So—while we negotiate with the Soviets who have a proven track record of flouting the provisions of treaties—and, no, we're not just talking about whether or not they're violating SALT II, whether they're encrypting ICBM telemetry, or whether their Krasnoyarsk phased-array radar system is a violation of the ABM Treaty—we're talking about clear factual cases, where the Soviet Union is persist-

ently violating the promises they made in Principle VII of the Helsinki Final Act that they said they would respect and comply with.

Why do we continue to say we're going to negotiate with the Soviet Union in another area? Why shouldn't we stay right here, and why shouldn't Secretary Shultz say, "We demand that you undertake to comply with the obligations that you committed yourselves to with respect to this treaty before we begin any other negotiations with you?" I think that the Congress should set that standard. I don't think that administration after administration has been setting any acceptable standard in holding the Soviet Union to its promises. And I don't think this administration is doing it.

Now, you may conclude. I'd like you to respond, if you want.

Mr. PALMER. Sure. Well, first, Senator, on the question of whether this is just rhetoric. To a certain extent, that's absolutely right. But I think it's important to understand that Marxist-Leninists take the political climate very seriously.

The CIA estimates that the Soviet Union spends something like \$4 billion a year on propaganda.

Mr. D'AMATO. Oh, I saw the propaganda. The Soviet ambassador to the Ottawa meeting—what was his name? He couldn't talk. He had his KGB right next to him.

Mr. PALMER. So I think we should not underestimate the power of our rhetoric and of our ideas and of our ability to make this a central issue in the international political agenda. They want us to just have it taken off the agenda so they can concentrate simply on disarmament, which is their big issue, and on national liberation struggles, Nicaragua, and so forth, on peace-loving, so-called forces in the world.

This is a very powerful political tool. Even as we're all frustrated about the lack of results—in fact, in many ways, there's been retrogression—even with that, we should still not give away this tool. I think the Soviets would love to have us give it away.

Mr. D'AMATO. I was going to commend you for trying to answer my question. That's not my question.

Mr. PALMER. All right. Now on the second question of whether we should, if I understood—

Mr. D'AMATO. I think we should use this forum to say to the Soviet leadership, "When you begin to live up to your agreements with respect to basic human rights, maybe we can believe that you may adhere to other treaties you sign." The Soviets want all kinds of other concessions in various negotiations. We should say "nyet" to you—no—no. I don't understand how we can keep talking with them as we are, when we see one treaty that has been totally violated. I think what we do is undercut our own position.

Now that's what I'd like an answer to. Why should we be sending over a trade delegation that says you'd better adhere to human rights. And the Soviets don't respect human rights, yet they seek to profit from our trade.

Mr. PALMER. Well, I think the President's view is that there are various elements to the relationship, and that each of the elements is important.

Mr. D'AMATO. It's not the President so much. I think the President would say, "I don't care about that." The State Department—

Mr. DECONCINI. Mr. Chairman, I have to disagree with my good friend from New York, because I think the President does set the trend for policy in this country. The previous President cut off trade with the Soviet Union by implementing an agricultural boycott, because of the invasion of Afghanistan. Political pressures from the farmers of this country persuaded President Reagan, who has an outstanding record of anti-Communism, not to implement similar policy.

We have a lot of weak people in this country. I don't exclude myself or anybody else, but the fact of the matter, Mr. Chairman, is we don't have a President that's willing to stand up to the Soviet Union because of pressures here. I don't know if that day is ever going to come, and I'm as frustrated as anybody, and I can't just put the burden on the State Department; because the President has to make that decision.

Mr. D'AMATO. The Senator makes a good point, but I'd like you to continue with respect to why we should continue to try to further expand our trade relations, not only with the Soviets but with other Eastern bloc nations, when we see their pattern of deliberate and willful failure to comply with the agreements that they are signatories to.

Mr. PALMER. The President said when he was reelected that one of his highest objectives was to achieve nuclear arms reductions with the Soviet Union. That is one part of the overall relationship which, I think it's fair to say, is important to the American people.

Another part, which is very important to the American farmer, is the fact that we are now exporting to the Soviet Union historically high levels of grain at a time when there are deficits and problems for our farmers. That is another important element. But the Secretary and the President have said repeatedly in public that we have to look at the overall relationship, and we have to make clear to the Soviet Union that, for broad scale and durable improvement, there must be improvement in human rights. They've said that publicly. They've said it in correspondence to the Soviet leadership, and they've said it to their faces.

I think that both the President and Secretary Shultz deeply believe that, and that they are going to hold to it.

Perhaps I could just quickly finish with how we see the rest of the process going.

The next meeting beyond the Budapest Cultural Forum is a meeting in April next year on human contacts, and that meeting will focus on, among other things, freedom of travel, family visits and reunification, immigration, travel for personal and professional reasons, and national minorities. All are a significant part of the humanitarian dimension of the CSCE process.

Beyond that, of course, there is the review conference next November in Vienna, which will provide an opportunity for all of the Western governments and the neutral and nonaligned governments to put additional pressure on the whole broad pattern of Soviet noncompliance with the human rights provisions of the Helsinki accords.

So we see almost constantly between now and the review conference opportunities to make sure that the world public is aware that this is a key part of our agenda.

Again I would just say that, if we don't have this process underway, we will be poorer, poorer in terms of bringing the kind of vigorous demands for compliance that I certainly agree with you we should be bringing to the fore and to the front pages of the newspapers.

Thank you, Senator.

Mr. D'AMATO. Thank you, Mr. Palmer. I'm just going to make one more observation, because you have come back to the point about why we should continue in the Helsinki process. I agree, but I think if we continue with the Helsinki process, in order to make it really work, we had better say to the Soviets, "We're not going to talk to you about expanded trade. We're not going to talk to you or anyone else who is violating these human rights agreements about future cultural agreements or security agreements, and so forth, that you want."

You and our Ambassadors in this process have some opportunity to achieve some real results. I think you would achieve them if you stood up to the Soviets. At some point, you have to say, "Look, you cannot keep negotiating with the Soviets while they keep violating agreements—because we make a mockery of the system." I think that's what we do. We make a sham of respect for international law. There's no one who thinks that it's more important than I do. I think human rights is the area where we can unite our allies. Remarkably, we kept them together at Ottawa. At some point in time, we've got to put some meaning behind the rhetoric.

So, while you continue to deal with the Soviets in such a noble fashion, I think that what is lacking is a show that we really mean it. I say this is the wrong time to go in to talk about expanding commerce and seeking additional trade with the Soviets. But we should instead pull back. We should say, "You begin to adhere to these principles respecting human rights and fundamental freedoms before we'll talk to you." Otherwise, the Soviets will just continue to do as they have done in the past.

I had that one meeting with the Soviet ambassador Sofinsky, in Ottawa. I spoke to him about merely examining one case. This meeting was in private. It wasn't a public session. I spoke to him about a woman who was reportedly dying of cancer. I said, "Would you look into this, let's see if we couldn't bring about a reunification between her and her family." Then I had it thrown back in my face, with a series of remarks by Sofinsky about how we neglect the homeless and about how we killed the ten million native Americans. I closed by asking Ambassador Sofinsky to deliver a letter to General Chairman Gorbachev, and he responded, "I'm not your messenger."

I mean, that Soviet response to eight of us was just utterly inappropriate. It demonstrated to me their arrogance and hypocrisy. I said, "Well, I want you to know what you've done. You've convinced one Senator that, before I vote for any agreements that I have to take your word or that of your Government, it's going to be a long time. I'm going to want to see that you adhere to some agreements you've already signed before I vote for new agreements." That's the view I think is emerging here today.

Now this is the Congress's position. I say this, because we make the record. I don't expect you to change policy. I hope you bring

back to Secretary Shultz at least this Senator's feelings, and I think you'll hear from some of our other colleagues in relationship to this point.

Congressman Hoyer, Cochairman.

Mr. HOYER. Thank you very much, Mr. Chairman.

I thank both of you for your statements. With respect to some of the things that have been said here, it is my observation that at times it is a lot easier to talk tough than to be tough. I think Senator DeConcini dramatized that.

Today we are meeting at a time when the United States is having to confront terrorism. We have come to realize that it is easier to engage in rhetoric to deal with the reality of the immediate threat to our own citizens.

I want to also say that I totally agree with our witnesses' premise and the premises of those in Poland and in other oppressed lands of the world, that the continued participation of the United States in the CSCE process is productive and essential. If we are to continue this country's focus and attempt to focus the attention of the world particularly that of the nonaligned nations who ultimately may shift the balance as to whether they will come down on the side of freedom and adherence to human rights principles or on the side of the oppressed then we must continue to participate in the CSCE process and use the unique fora it provides for denouncing human rights violations.

Within that context, I would like to ask the three of you a question. Principle VI, which we have discussed briefly, states in part that the participating states will refrain from any intervention, direct or indirect, individual or collective, in the internal affairs falling within the domestic jurisdiction of another participating state. Principle VI, historically has been interpreted as restricting the right of the United States and other CSCE participants to raise questions about the implementation of Principle VII on human rights in other countries.

Now, Ambassador Schifter spoke of this, and Secretary Matthews also spoke of the relatively new concept of nations giving attention to, discussing and debating, if you will, the treatment of another nation's citizens by that nation.

My question to all three of you is: With respect to the Ottawa conference, which was clearly mandated to discuss human rights and which everyone expected to focus on the internal dealings of the participating states as to their own citizens, what is the continuing viability, if any, of Principle VI?

Ambassador SCHIFTER. Congressman, it so happens that in my initial statement in Ottawa, I discussed the legal issue that you pose. The interpretation that we have given is the following: that you read Principle VI, Principle VII, and Principle X together, X being the one that says all the other principles have to be interpreted so as to have meaning. As a matter of fact, this is what our court system does, too, when it tries to interpret a law enacted by the Congress in which there seem to be conflicting sections.

We conclude that interference, as the term is used in Principle VI, means actions more than mere discussion at an international conference and in other settings. That is basically the interpreta-

tion that we have given it. It is an interpretation that has been agreed to not only by our allies but by the neutrals as well.

It was quite interesting, for example, that Finland was in the lead in emphasizing our interpretation, that is the interpretation that the great majority of CSCE members now have, which is that, Principle VI notwithstanding, discussion of human rights in a particular country by other countries participating in the Helsinki process is proper.

Mr. HOYER. Mr. Matthews or Mr. Palmer, would you comment?

Mr. MATTHEWS. Very briefly, I pay some fairly close attention to the Soviet press, and I would say it's fair to say that, over the past 8 years, 6 or 8 years, in particular, that I've been working closely with these matters, you see much less mention of this line, that this is impermissible because it's interference in our internal affairs. It still pops up, I grant you, from time to time; but I agree with Ambassador Schifter that, basically, it's become accepted, customary international law, if there is—being a nonlawyer—such a thing.

I don't think they can get away with using that as a defense anymore.

Mr. HOYER. Would you therefore, conclude that, in light of the fact that Finland was strongly supportive on that question, that it has become accepted by an overwhelming majority, of the signatory nations that discussions of human rights in a particular country by other countries is proper.

Ambassador SCHIFTER. I would think so. And let me perhaps add, Congressman, that if you listen to the Soviet response, they went through the ritual of first saying it doesn't belong here. Then they began to engage in discussion. They, first of all, in a lame way and a lying fashion, in many instances, defended themselves, and then began to attack us on internal problems in our own country.

So by default they just went along with our interpretation.

Mr. HOYER. Secretary Palmer, I don't know whether you want to comment on that.

Mr. PALMER. No; I just would say that, in my day to day relations with the East Europeans and the Soviets, it's extremely helpful to be able to cite this when they do say this is interference, and they are not going to tolerate your talking about this case or that case. We can always just cite it. So it's a very handy tool to have, and it does, as Mr. Matthews says—it does tend to shut them up fairly quickly.

Mr. HOYER. Would all three of you agree that, notwithstanding the fact that Congress is slow and frustrating, that there has been progress from 10 years ago in terms of the acceptance of the concept, which is a relatively new concept, as you point out, of this discussion about the internal affairs of another—

Ambassador SCHIFTER. It is in fact something new. In corridor conversations that we have had with a good many of these representatives from Eastern Europe who attended the meeting, they will be prepared to discuss specific cases. They will sometimes defend them on the merits, sometimes, as I say, by lying, sometimes actually admitting that they have problems and that they might want to correct them. This is done off the record and in corridors.

By the way, let me just say, that I have pointed out to the Soviets that at the United Nations they themselves violate the alleged noninterference principle. They discuss South Africa. They discuss Chile. As a matter of fact, when the issue is raised in the United Nations, we make the point to the Soviets that they are setting a precedent themselves in terms of what it is that they are doing with regard to the discussion of the domestic problems in other countries.

Mr. HOYER. Mr. Chairman, I have a number of other questions, but we have many other members of the Commission that want to ask questions, so I will submit them to our witnesses at the end of the hearing.

Mr. D'AMATO. Senator DeConcini.

Mr. DECONCINI. Mr. Chairman, thank you. I won't be long. I want to assure our members here, the Ambassador and Secretaries, that my concurrence with the Senator from New York that our State Department is not strong enough is in no way meant to be degrading to the fine work that you do.

I'm particularly familiar with your work, Mr. Palmer, and the amount of time that you have put into this area, as well as the Ambassador and Mr. Matthews; and we thank you for that. It is frustrating, and indeed difficult, for us to not see some results.

Now, Mr. Ambassador, you mentioned in your statement that you felt, in our conversation before, that there were some results in the area of Eastern bloc countries, that you felt some change or something.

I wonder if you might be a little more specific, and give us an example of Romania, Czechoslovakia, Bulgaria or Poland or some country that was more forthcoming in Ottawa than had been before. Did they take the bold step to be critical of the Soviet Union, or exactly what do you mean by that?

I take it, that this was done privately?

Ambassador SCHIFTER. Privately. Now let me say one thing, though, Senator. That is that if you listen to what the smaller Warsaw Pact countries were saying in the public debate, there were quite a number of situations in which the Soviet Union was pretty much alone.

Mr. DECONCINI. Give me an example.

Ambassador SCHIFTER. Throughout the entire proceedings, for example, the Hungarians, by and large, would not come in to say anything that would significantly support the Soviet bloc position. The Czechs would only look out for themselves. The Romanians would be totally on their own, not really joining in any Warsaw Pact effort; and I would say the Bulgarians looked after themselves and nobody else. So it was more a matter of absence of support of the Soviets. By contrast, we in the West really held together. There were seventeen of us. On the other side, strangely enough, the Soviet Union was on its own in holding out for its own position with, as I say, the others just coming in sporadically.

Mr. DECONCINI. You gave the example of Western unity of, and I agree with you that that certainly is outstanding.

I take it, from this unity that was expressed at the public meetings, that it is a first. Or is it a pattern that you've witnessed in this area? Can you give me some more information?

Ambassador SCHIFTER. Well, this was my experience with the CSCE process. However, it's my understanding in Madrid we held together very well, too.

Mr. DECONCINI. Thank you. Thank you, Mr. Chairman.

Mr. D'AMATO. Senator Humphrey.

Mr. HUMPHREY. Mr. Matthews, how would you characterize the state of civil rights, human rights, in the Soviet Union? What is the trend? Any improvement?

Mr. MATTHEWS. Senator, I'm sorry to say that I consider it a disaster, and think that it has become considerably worse over the past several years.

Mr. HUMPHREY. A disaster area that has gotten worse. And that's true with respect to immigration?

Mr. MATTHEWS. Certainly, with respect to immigration, Senator, the numbers are way, way down to historically low levels.

Mr. HUMPHREY. Is that true with regard to the practice of religion?

Mr. MATTHEWS. There has been crackdown on those who would practice, manifest, their religion. That's correct.

Mr. HUMPHREY. Is that true with respect to the incarceration of political prisoners?

Mr. MATTHEWS. Indeed. Incarceration of political prisoners and their being kept in psychiatric institutions, abused. Yes.

Mr. HUMPHREY. So it also encompasses medical abuse of political prisoners? All of these have gotten worse?

Mr. MATTHEWS. In my view, these have all gotten worse.

Mr. HUMPHREY. I think the complaint that many of us have—I can only speak for myself—is not against the process of negotiation. Meetings and dialog and avenues of communication are useful and even necessary. I think the problem, as I see it, is that in this area of human rights and in others, but in this area of human rights we're trying to proceed with one hand tied behind our back.

By themselves, given the current attitudes of the Soviets, and presumably the attitudes they will exhibit for some time to come, the Helsinki process by itself is not going to work.

That doesn't say that we should call a halt to it. It seems to me there's a little bit of a red herring being raised, if I can interpret some of the statements from your table this morning. I haven't heard anybody call for disbanding or discontinuing our effort on the Helsinki Commission; but that can only be one hand in this fight.

The other hand which is tied behind our back is this business which has already likewise been discussed of contradictory policy and deeds vis-a-vis our rhetoric and our stated position on human rights.

What I'm urging is that we untie this other hand, and that we ensure that both hands are working in coordination. Now I don't know why we don't have that. It seems so very obvious. But the background that you have just laid out with respect to Soviet human rights, human rights in the Soviet Union, we then see, as has been stated a couple of times—we see Secretaries, Cabinet Secretaries, going off to Moscow and concluding and negotiating agreements that have no real urgency about them.

There is no real urgency with respect to national security or the state of our economy to expand trade with the Soviets. Indeed, I think the case can be made that the benefits, by and large, will rebound to the Soviets in that case.

Likewise, in agriculture, where is the great urgency to share in Soviet agricultural expertise? It's outrageous; but that's the problem we have.

Now I don't accuse anybody. I don't even think that there is duplicity or ill will or bad intentions on the part of the administration. I believe that they mean what they say, but the implementation of our policy stinks.

You are in charge of human rights around the world from the State Department. Does anyone—are you included in consultations about whether or not to proceed with negotiations and conclusions of agreements of the kind that the Secretaries of Commerce and Agriculture recently undertook?

Mr. MATTHEWS. I would say in response to that, Senator, that, yes, I do have my input. I guess I should correct the record, that Elliott Abrams is still the Assistant Secretary at the moment for Human Rights, although, as you know, he'll be shifting to Latin American Affairs.

We do have input and, in my view, on a much more systematic basis than was the case already some years ago. That is to say that, when there is to be a given set of negotiations or a particular visit and the like, I can certainly say with conviction that we do ensure that human rights questions are put on the agenda, which frankly was not the case, in my view, some 10 years ago.

Mr. HUMPHREY. Do you have the opportunity to raise—first of all, do you share the point of view that I just expressed, that we need to coordinate our trade policies with our human rights policies? Do you share that?

Mr. MATTHEWS. I certainly believe in coordination, yes, sir.

Mr. HUMPHREY. And do you have an opportunity to state when these meetings are being discussed, these potential meetings or proposed meetings—Do you have the opportunity to state whoops, this undermines our negotiating position?

Mr. MATTHEWS. We are given—I am given an opportunity, obviously, to contribute to these positions, and I would certainly add that I do this in very close cooperation with my colleagues in the European Bureau. Or in some other area of the world, I'm equally brought in, and it seems to me that is done much more systematically than was done in the past.

Mr. HUMPHREY. Do you see that as—the situation I've described, as a contradiction?

Mr. MATTHEWS. I would certainly note further that that is not an easy process, the weighing and the balance of the various considerations, be they human rights, political, security, or economic. But I certainly can, as I say, emphasize that the human rights questions are given their day.

Mr. HUMPHREY. Do you suppose the visits of Secretaries helped or will help us to further human rights in the Soviet Union, or will they be detrimental to that effort?

Mr. MATTHEWS. I think that goes back, sir, to what I observed about speaking out, not just in terms of governmental delegations

that go over on various subjects but also having Soviet scientists hear from American scientists, if that's the case, and in various other ways. To the extent that that is done to a greater or lesser degree, I would like to hope that it will achieve results at some point.

Mr. HUMPHREY. Well, you're supporting what appears to be State Department policy, and you're expected to do that; and I don't fault you for doing that, but I think that's the problem, that we think we can have it all ways, that we can talk big in the area of human rights, that we can also negotiate to keep the farmers happy, negotiate to keep the capitalists happy, negotiate to keep everybody happy, including the Soviets, and still succeed in the negotiations. I don't think you can do that, and the proof is right before us in Ottawa.

We can't. It won't work. You have to have some leverage. You have to have some linkage, and we don't have it. And until we have it, we're going to fail. We're going to let down those who desperately depend upon us to advance their human rights.

End of sermon.

Mr. D'AMATO. Senator Malcolm Wallop. By the way, I'm wondering if we couldn't—if the Senator wouldn't yield just for one moment.

Ambassador Schifter, you heard Senator Humphrey. You've heard my thoughts. I think, in spite of all the fine work that you do, and I think, if I might paraphrase some of Senator Humphrey's remarks, you talk about linkage and talked about fighting the battle with one hand tied behind your back.

Would you care to comment on that? Do you think there is—have you seen sufficient or adequate linkage? Maybe I'm putting you on the spot, but, look, at some point in time—

Ambassador SCHIFTER. Senator, if I can return your kind compliments, you made a very, very significant contribution yourself in Ottawa, because at your press conference you made the statement that you referred to earlier. That was quoted by the media throughout the conference to suggest that there was linkage, because we need in the United States to make distinctions between the executive and the legislative branch. I think other parts of the world think simply of the Government of the United States, without recognizing the Senate as a very important distinct part of the Government of the United States when it comes to the ratification of treaties.

What you said about yourself as a Senator and by implication you said that this would be the attitude of the Senate sent a very clear message. As a matter of fact, I can tell you, I would quote your words. I was able to say, "As Senator D'Amato said," here is what you have to keep in mind with regard to the possibilities of linkage. And I certainly made that particular point to our colleagues in the Western group, and it was understood.

Mr. D'AMATO. Senator Wallop.

Mr. WALLOP. Thank you, Mr. Chairman. I would say to my friend, Senator Humphrey, that it's not entirely a red herring that some people would begin to question the continued usefulness. I do. I do very clearly. Mr. Ambassador, as I read from your statement, and the thing that gives me pause is a sequence of statements:

The ideal result of the follow-up meeting would be an agreement under which a country not now in compliance with human rights provisions would obligate itself to comply henceforth. However, such a result cannot realistically be expected from the Soviet Union or from other countries in the sphere.

Now just to say that they obligated themselves to do that—You go on to say:

... recognizing the framework provided by the Helsinki Accords, we decided that we would concentrate on human rights violations which we deemed could be corrected with relative ease, with effecting systemic change within the Soviet Union or the states in the Soviet sphere.

You go on to say:

The point I am seeking to make is that absent an advance agreement with the Soviet Union, a meaningful concluding document at Ottawa was simply not in the cards.

You go on to say:

First we should note that the reason why there was no final document was, in its essence, that the Soviet Union was not prepared, at this meeting, to commit itself to changes in its human rights policies that would have given real meaning to the final text.

So, I ask what the hell is the point of having an agreement that doesn't have real meaning?

Ambassador SCHIFTER. Exactly. Some people had some notions about coming up with a text that might not have a meaning.

Mr. WALLOP. Well, I'm glad you agree about the worthlessness of a meaningless text. But I'm asking about the value of this process throughout. What kind of value can there be of an agreement between countries that has no real meaning?

Ambassador SCHIFTER. Well, we are not saying that there is no value to the process. We are saying that there is no value to our coming forth with a statement that would have no meaning. And, Senator, let me add a point: Every speech, and our conversations with representatives of the media, resulted in news stories; much of what we said in Ottawa was broadcast over Radio Liberty, Radio Free Europe, and Canada International. I believe there is value in the process in that it can be used to carry our message to the rest of the world.

Let me add one more point, Senator. If we dropped out and left the Europeans by themselves, that would be a pity.

Mr. WALLOP. Nobody has suggested that. What I would suggest is perhaps that our European allies, once having expressed some unanimity about what this thing was supposed to do, might be able to see as clearly as you and I how badly it's working. Mr. Matthews testified it's a bad situation and has gotten worse, in the whole sequence of events.

I have listened to the tale of an Afghan mother describe how Soviet soldiers barbecued her child in front of her. We're not doing anything at all about such things. Nevertheless, your statement, which I assume is State Department policy, indicate that the Ottawa meeting has generated publicity which the Soviet Union deems adverse to its interests, and thus might have contributed to the forces that might over time change Soviet human rights policy. But if, on the basis of such statements, we congratulate ourselves that we've got the Soviets on the run, we should remember that we cannot find out from them even whether the Sakharovs are alive

or dead. We cannot find out from them why it is that, even under their own law, they have refused visitor's rights to Shcharansky's mother. There's no progress and no movement on that. He lies in deeper despair. So do Begun and Orlov.

Hence, my question is: Is there a point at which we and the rest of our allies, who sealed in this accord the legitimacy of the Soviet's domination of the slave states of Eastern Europe, is there a point at which we say that no good has come, and no good is likely to come out of this agreement? Is there such a point?

Ambassador SCHIFTER. I am sure there is such a point.

Mr. WALLOP. What would that point be?

Ambassador SCHIFTER. Well, let me say, that one can conjure up circumstances under which this would be the case. The question that you raised was whether our Western allies would now drop out together with us. The answer is definitely no. I would see no—

Mr. WALLOP. What happens to respect for international law, if all of us, including our European allies continue saying that everyone including the Soviets has an obligation to abide by the Helsinki Final Act, but act as if it is perfectly legitimate for the Soviet Union to violate it? Are we not then destroying an essential element of an international lawyer concept by our inability to say that the Emperor is awfully naked today? The rule is "agreements are to be complied with," or they do not exist.

Ambassador SCHIFTER. Senator, I used that same analogy, I want you to know. I agree with you. The question is one of tactics. All I can tell you, Senator, is that the position that you are taking is not one that is shared by our Western allies. It just isn't.

Mr. WALLOP. If that is the case, and we choose to follow their lead, we legitimize, to my horror and dismay, the proposition that there is an essential moral equivalence between the West and the East—or perhaps, that we are worse, and do not believe in any notion of human rights—we only talk about them. That is even worse than just denying them and walking over people.

Ambassador SCHIFTER. Well, Senator, if I may say so, some of us believe in coalition politics. This is something that sometimes is necessary. We try to bring people along that sometimes may not want to go as far as we do, and we do bring them along.

All I can tell you, Senator, is that I see what you are talking about. I recognize the problem. Believe me, I am as frustrated as you are. I hear what the Soviets say and do. It riles me as much as it riles you, I can tell you that. But then the question arises, what do you do in those circumstances. All I can tell you is I believe that on balance the policy that is being followed now is the right one, and I would certainly support it. I want to say, I don't have a personal stake in it. I am not a State Department regular.

Mr. WALLOP. Let me just observe that, if the Soviets really do respect world opinion as much as you suggest, what greater threat to their image and the world opinion than to have a unified West say that this document has been violated in the vilest kind of way. We do not respect any longer the concept under which it was done; we will pursue human rights not through talk, but through our trade policy; we will pursue human rights in all kinds of other places, but this document is a sham, because it is.

What's so terribly degrading about this thing is not what good might come from something, is somebody might do something—I can't imagine what hope it provides East Europeans to see us behave like this. Where is it that there is any movement, when the testimony is that a bad situation has gotten worse? What hope is there in that?

Ambassador SCHIFTER. If you had been in Ottawa, you would have heard quite a number of allies speaking to that. Not all of them, but quite a number.

Let me say, Senator, we have the issue of INF deployment in Europe, and I would venture to make the statement now that if the human rights policy in the Soviet Union weren't what it is, INF would be in greater difficulty. The point is that we have been able to call attention to Soviet human rights violations. It does have an impact.

Mr. WALLOP. But the Helsinki accord doesn't make the violations.

Ambassador SCHIFTER. All I am saying is give us an opportunity to keep emphasizing the violations and get into the news again, because that is basically one of the problems; getting the media to carry the news. You just have to communicate to the general public time and time again.

Mr. WALLOP. That's why we have meetings without the press permitted in them, and we're only permitted to go out and tell them what happened. There's a lack of validity in that concept when the press itself cannot see the behavior of the Soviet Union.

Mr. Chairman, I apologize for taking so long. You know, I have strong feelings about what it is that moral countries will and will not do on behalf of the morality they espouse, and it makes me weep for my country that we claim a success out of something that just, on its face, doesn't have it, especially if you happen to be one of the ones suffering under the hands of the people whose commitment to human rights we certify by our very participation in the process.

Mr. D'AMATO. Will the Senator yield for a question? The question is: Senator, should we not—the Congress of the United States—be taking a more forward position, by indicating that we will not approve agreements that are, in our opinion, going to be violated, as we see in this prime example? Would that not be a position that would strengthen our determination to see that human rights are adhered to?

Mr. WALLOP. It would be marvelous, but I can guarantee you the kind of agreement that they're talking about: the arms control. If the administration comes running up here with an arms control agreement, respect for truth should make this Congress courageous enough to stand up and say, "Because the Soviets have not lived up to the Helsinki accord we're going to turn down this fraudulent little bit of peace that's coming along."

Mr. D'AMATO. Is it a little bit of peace or is it just the product that we—

Mr. WALLOP. The next arms control agreement will be the same kind that we had in the past. But we still seem to be pursuing new agreements despite evidence of violation of old ones.

Mr. D'AMATO. What about the area of trade?

Mr. WALLOP. I suggest that I correspond with the views of my colleague from New Hampshire. I think he said it best when he said we need Soviet agricultural expertise like we need a drought. I mean—if they can give us a good scorched earth policy to follow in Afghanistan—but for growing, they don't have much use.

Mr. D'AMATO. But, again, to come back to the point that I think it's incumbent upon us to take a position—

Mr. WALLOP. What I'm hoping comes out of these kinds of hearings that we have, because it really doesn't—and Ambassador Schifter, to be sure, you did not say success here; but I saw you quoted last week in the paper—

Ambassador SCHIFTER. Oh, no. No, Senator.

Mr. WALLOP. You've had quotes in the paper like I've had quotes. I'll take your word for that, but I—

Ambassador SCHIFTER. Oh, no.

Mr. PALMER. I also want to say a word. It is important, for example, that with Hungary, Czechoslovakia, Bulgaria, and East Germany, we do not now have the same kind of divided family cases that are so agonizing that I face every day in the Soviet Union. As you may well know, Yuri Balovlenkov now is into his 80th day of hunger striking, because the Soviets will not allow him to leave to join his wife in this country. We have far, far less of that kind of case with East European countries, in part because, as Ambassador Schifter says, they are more ashamed of the honest opinion of mankind. They are—they will respond more to the CSCE pressures.

So while the Soviet problem dwarfs everything else by its horror, at least we are able to do some things with the East Europeans, and we have done some things in a large number of cases.

Mr. D'AMATO. Congressman Porter.

Mr. PORTER. Thank you, Mr. Chairman.

Let me first apologize to the Chair and to the members of the Commission for my being late, and to Ambassador Schifter as well. I was unavoidably detained in a markup of the only bill that my subcommittee has. If I repeat anything that's already been said, I hope you'll forgive me.

I would like to pick up on what Senator Wallop was talking about, and carry it a little bit further. I think we have to consider the perception of the public at large, and look at what happened at Ottawa and the fact that for the first time we have no policy statement at the end of a Helsinki meeting. We look at the fact that the Soviets were not forthcoming; and beyond that, if we look at the fact, and I think this is the fact, that the media has largely lost interest in this issue. We find fewer and fewer articles and fewer television stories as time goes on about human rights. Then it seems to me we're talking about what do we do about the treaty itself; what tactics are there, Mr. Ambassador, to advance the cause of human rights in the Soviet Union and Eastern Europe, and to cause the Soviet Union to be more forthcoming?

We've talked about the linkage of the treaty itself, but what about our people? What can the United States do in terms of its relationship with the Soviet Union to make something happen?

Maybe you've already answered that. I'm not sure.

Ambassador SCHIFTER. Well, as far as the Soviet Union and negotiations with the Soviet Union are concerned, the question has

been raised of the interrelationship between trade, for example, and human rights policy.

I think Mr. Palmer spoke to that particular topic. Perhaps he might want to elaborate on it, as far as the relationship that exists there.

Mr. PORTER. Do you agree that the murder of American military personnel in East Germany and the treatment of Shcharansky and Sakharov along with all the bad publicity that the Soviet Union gets over and over again, confirms that publicity really doesn't change their attitudes? And when we talk about the meeting in Ottawa, does it really matter to the Soviet Union? Does it really have any effect on them? Are we kidding ourselves that they care about world opinion? They don't seem to care at all about world opinion.

Ambassador SCHIFTER. Congressman, I think they do. They don't care about it in terms of, let's say, being embarrassed or ashamed. That isn't it. But it is my opinion of them that they are cold and calculating, and that what they are trying to figure out is does it do them some damage. To the extent that they come to the conclusion that it does them some damage, then perhaps they will modify their position.

Now as far as that is concerned, as I mentioned before, I happen to think that there is an interrelationship between the image that the Soviet Union has in Western Europe and INF deployment. I think there is.

I think, in situations like that, they might take the attitude of the general public into account. Militarily it might even help us to be out in front and expose their human rights violations, quite aside from the proposition that we want them to solve this problem.

So I think there is a relationship there.

Mr. PORTER. Do you agree that the press has lost interest over a period of time in human rights issues? Don't you agree with that?

How do we treat this problem? How do we influence public opinion if we don't have the media telling the world at large and American citizens, Canadian citizens, and citizens in Western Europe, what's going on?

Ambassador SCHIFTER. We constantly have to think of new ways of doing it, Congressman, and that indeed is a challenge to our ingenuity in terms of creating events in which these violations are brought up again and again.

To the extent that we have handled PR at our conferences well—I think, to that extent, the conferences are useful.

Mr. PORTER. Did we handle this one well?

Ambassador SCHIFTER. I think that we handled it as well as it could have been. And I might say, as I have mentioned before, there were representatives there of RFE and RL and of Canada International that, as far as I know, broadcast every day. I know that the Frankfurt Allgemeine Zeitung handled it in great detail, and I gather that the German media played it extremely well. The French did not. Now why, I can't tell you.

My own feeling would be that, Congressman, and again speaking very candidly now, I believe that more funds for USIA would help, would help a great deal, in terms of advancing our cause.

Mr. PORTER. Let me, Mr. Ambassador, raise another issue in my remaining time. I'll be as brief as I can. We came up to Ottawa and you were very kind in meeting us and briefing us. Then we went to sit down with the Soviet representatives across the table, and as we talked about Shcharansky and Sakharov they talked about the American Indians and unemployment.

They seem to have a very cynical view of the United States. They say that we have a double standard about human rights abuses, that we tolerate them in some of our allies—Chile, and the Philippines—and we have a different standard in regard to the Soviet Union.

To what extent do you think that is true, and to what extent would it help our image throughout the world to assess human rights abuses in the countries that hold up their hand and say we're your friend?

Ambassador SCHIFTER. First of all, as far as our policies are concerned, we believe in the first instance in the use of quiet diplomacy. And by that, we mean communicating directly rather than getting on a public platform and pronouncing on that topic. I have seen this do quite a bit of good. Quiet diplomacy, the point has been made, means that we simply speak within the confines of an office in a foreign ministry. It doesn't mean that we don't press our ideas strongly.

I believe that in the case of Chile, for example, progress has been made. We have also done some good in situations in Eastern Europe, I could add, where we didn't give any publicity to it afterwards. There is a great deal of progress, by the way, in Yugoslavia, in this context.

Now as far as the argument that is being advanced by the Soviets about our alleged double standard, it's a phony argument. They know it to be phony. At least, I would not regard this as something that is very significant in terms of their presentation of it.

Mr. PORTER. Let me thank you, Ambassador Schifter, for your comment. It concerns me, of course, that we attempt to advance human rights in all areas, in all forms, with our allies, with our adversaries alike, and that we maintain credibility. And I think we do. I think you're correct, that we're working in that area very hard, but it seems to me that it's incumbent upon us to work in all areas of human rights to make sure that it's advanced throughout the world.

I might say also, we don't intend to be too hard on you today. We think you did a wonderful job at Ottawa, and we're pleased to have a gentleman of your capabilities representing our country there, and we want to encourage you to come back. We do thank you very much.

Ambassador SCHIFTER. Thank you very much, sir. Thank you for your kind remarks.

Mr. D'AMATO. I'd have to share, Congressman, a thought that probably we gave him as tough a time as the Soviets gave him.

Ambassador SCHIFTER. Not quite, sir.

Mr. D'AMATO. Congressman Levin.

Mr. LEVIN. Thank you. I'd glad to be able to participate in this important discussion, though I'm not a member of the Commission.

Let me ask a couple of specific questions. Was there any press coverage in Eastern European countries of the Ottawa meeting?

Ambassador SCHIFTER. I don't know of any.

Mr. LEVIN. Any of the three of you.

Mr. MATTHEWS. I think we could get back to you very specifically laying out of such coverage as there was. I did note at the outset of the hearing that I did check this morning on what had appeared in the Soviet press, and there was very little. Very little.

Mr. LEVIN. I meant in the Warsaw Pact countries.

Mr. MATTHEWS. I think we could undertake to get you that for the record.

Mr. LEVIN. I think it would be useful, and it also might be useful if you could find an opportunity to brief the Commission and other interested people on your observations about the smaller Warsaw Pact countries, although you have to do it off the record.

Second, were there any discussions among the allies about the issue of action of efforts to go beyond rhetoric, whether it's trade embargos or the like? There's reference here earlier to unity among the allies, but I think one of the problems in implementation of human rights is that when you get to specifics, for example, in the area of trade, that alliance can shatter pretty quickly. We've seen it in a number of cases.

Was there any discussion about action oriented approaches among the allies at Ottawa?

Ambassador SCHIFTER. Congressman, the answer is no, and the people who were our counterparts there would not be in a position of discussing these matters. I am afraid your general observation is correct.

Mr. LEVIN. Let me then ask the Ambassador, if I might—I just wanted to pursue the issue of linkage just a little more before you leave this position, to see if there's some added perspective that you can give.

I thought the discussion here back and forth was very useful. I had a similar ambivalence about the discussion here as I did about Ottawa, because on the one hand rhetoric—it was a talk fest there, but I think, on the other, we have to be careful about our rhetoric about rhetoric, because sometimes rhetoric is important. But on the other hand—

Ambassador SCHIFTER. You can also quote Lenin on that. He once said, sometimes words can be more powerful than bombs.

Mr. LEVIN. I'm not sure the reference to Lenin is—I don't know how useful that is. He was sometimes right, obviously; but sometimes rhetoric by itself isn't enough.

Ambassador SCHIFTER. It referred to propaganda. That is basically what he was talking about.

Mr. LEVIN. So let me just ask you, in terms of linkage, I understand you made it clear we weren't, as suggested here—we haven't patted ourselves on the back about Ottawa. There was no claim it was a success in terms of real action. But let me ask you, in terms of linkage, your observation after being through Ottawa how we balance these factors.

There's a great impatience, and I share it, that this administration hasn't been action oriented enough. But on the one hand we have the issue of trade. On the other hand, we have the issue of

negotiations on arms control. Again, as you leave the post, what wisdom do you have as to how we balance factors, and we do so in a way that doesn't leave human rights as the caboose instead of the engine?

You talked at Ottawa yourself about linkage, but it's one thing to say that and another thing to carry it out. So what practical course can be undertaken by this country that would combine rhetoric with action, which would balance these factors and leave us more than participating in talk fests about the human rights?

Ambassador SCHIFTER. Congressman, you have to do this every day to balance it, and I think—

Mr. LEVIN. Let me—I thought you might—I'd like Mr. Palmer's view, but do you want to say anything further on that, as somebody who maybe has more freedom of—

Ambassador SCHIFTER. Let me just say, I think we both will be doing it.

Mr. LEVIN. Will be doing what?

Ambassador SCHIFTER. Balancing it.

Mr. LEVIN. You'll be balancing it?

Ambassador SCHIFTER. Yes.

Mr. LEVIN. What do you mean? Just let me push you a little further.

Ambassador SCHIFTER. That as we sign agreements or as we negotiate agreements, it will be made very clear that human rights performance is an element that we would consider before we reach agreement.

Mr. LEVIN. In other words, in each of these instances you—

Ambassador SCHIFTER. I want to say that the one thing one should except from it is the arms negotiations in Geneva.

Mr. LEVIN. I didn't hear that.

Ambassador SCHIFTER. The negotiations in Geneva should be exempted from this generalization that I have just made. That ought to be done—we cannot trade Andrei Sakharov for 10 MX's. You can't do that. Arms control stands on its own two feet in terms of any negotiations that take place. My own view as a citizen of the United States would be that I certainly hope that in all other contacts human rights performance of the Soviet Union will be an important factor.

Mr. LEVIN. Mr. Palmer, if I might, as I finish my few minutes, do you want to comment on that? I think it would be helpful, because you have a panel or group here who have some shared views about violations of human rights in the Soviet Union and elsewhere; but we find it difficult sometimes to reach agreement implementing that when we take into account other aspects, arms control a paramount one, even trade.

You've heard this panel, from most of us. How do you respond?

Mr. PALMER. Well, I think there are some areas where it's absolutely clear. In trade, we have legislation, the Jackson-Vanik amendment, which says specifically the Soviet Union will not get most-favored-nation trade status unless they allow freedom of emigration.

So there linkage is crystal clear, and we have reminded the Soviet Union of that very recently. Secretary Baldrige in Moscow explicitly pointed to that in saying there is a clear linkage here,

and there is a broader, more general linkage between trade and human rights. *He made that very clear.*

Lionel Ulmer, for example, during his trip visited the homes of the dissidents, as Congressman Gilman and Congressman Lantos, I know, are aware, and others of you may be aware. They did, in my view, an outstanding job of demonstrating that linkage between trade and human rights. They did it in their persons. They did it orally, directly to Gorbachev, and it is a matter of legislation.

So I think that linkage is clear. There are other areas where it's difficult. Somebody mentioned earlier that we should link a cultural exchanges agreement to human rights; that we should not, I gather the sense was, go ahead and sign a cultural exchanges agreement unless there had been an improvement in human rights.

I think that's a close call. The dissidents that I'm close to in the Soviet Union and Eastern Europe think cultural exchanges help them more than they help the regimes, and they're very strongly for them. They are for the exhibits, for example, which we take through the Soviet Union for the book fairs, for all of the ways that we have to break down the Iron Curtain.

So there are important questions of what you link it to, especially at a time when we have virtually nothing going on with the Soviet Union. There are no new agreements to link it to. There isn't much going on in trade, other than the grain area. There's just not much leverage.

So you have an important practical question of whether to try to develop some leverage that you can then tie it to, and that's something that you all and we are going to have to think about together.

Mr. D'AMATO. Congressman, before time pulls you back and the other Congressmen back to the session, I'm going to ask Congressman Lantos if he wouldn't take a minute or two of material and I know he has more than a minute or two, to ask questions or make his statement, and then ask Congressman Gilman who is scheduled to be a witness to make his presentation.

Then if there's any time, what I would propose to do is to allow additional questions. Congressman Lantos.

Mr. LANTOS. Could I yield to Congressman Gilman?

Mr. D'AMATO. You certainly can. Very gracious of you. Congressman Gilman.

Mr. GILMAN. Thank you, gentlemen. Thank you, Mr. Chairman, for permitting me to appear and testify today with regard to my recent appearance at the Ottawa conference. I know that members of the Commission appeared at the opening of the conference, and I had the opportunity of participating in the end of the conference with the gracious help of our good ambassador, Richard Schifter.

It was a conference that I know we followed with a great deal of close scrutiny, and one that most of us in the Congress have been observing with a great deal of intense observation to make sure that there has been something accomplished.

Permit me to make just a few brief observations. Human rights is still very much alive in the Helsinki process. Some of the critics who proclaim that Helsinki is a toothless tiger in the struggle for human rights, I think, do not fully appreciate the process or the

progress that has been achieved, as meager as it may appear to be on the surface. And please bear in mind that I have, as many of you on the Commission, been a strong critic of our progress with regard to tackling human rights violations.

The 35-nation Ottawa Meeting of Experts, the first meeting within the CSCE framework to focus exclusively on human rights, resulted from a Western proposal at Madrid for a human rights meeting to discuss the implementation of human rights and to develop recommendations and conclusions to improve their observance. In exchange, the West agreed to a disarmament meeting in Stockholm that had been proposed by the East. The Ottawa meeting then fulfilled only part of the Madrid mandate. While signatories discussed implementation of human rights for 2½ weeks, the meeting produced no final report.

The Human Rights Experts Meeting widely reported failure to reach consensus on a final document will be cause for some to question the usefulness of the Ottawa meeting and future CSCE meetings.

However, although no final document was approved, the Ottawa Experts Meeting clearly demonstrated, to my mind, that human rights is very much alive and at issue in East-West relations.

During the discussion of rights implementation, the free nations of Europe, both NATO allies as well as neutral and nonaligned states, altogether some 28 countries, articulated their deeply held convictions that human rights and fundamental freedoms are requisite to peace and security and must be observed, and that each signatory does have a responsibility of accountability for any violations.

In their concluding statements last week, virtually all the participants noted that frank discussion on the implementation of human rights had been useful. Western countries sharply criticized the Soviet Union and other Eastern bloc states for nefarious human rights practices, and explicitly named prisoners of conscience, identified those refused emigration or otherwise maltreated, including the sick and the elderly.

The Soviets retorted that such verbal criticism violated CSCE Principle VI, noninterference in the internal affairs of signatories, and the Western countries steadfastly maintained that Principle VI applied to physical aggression, for instance, the Soviet invasion of Afghanistan.

They asserted that Principle VII, Respect for Human Rights and Fundamental Freedoms, including freedom of thought, conscience, religion or belief, both permitted and required signatories to comment on and criticize, if necessary, human rights practices of other signatories.

Our Ambassador, Richard Schifter and his staff, who have represented the United States in a very exemplary manner, contended that monitoring human rights violations of foreign states, traditionally the function of nongovernmental organizations and individuals, had also become now the responsibility of governments. I quote from his statement: "Governments could be effective human rights advocates, especially when they act in unison."

At Ottawa, the West did act in unison, and I think that that's a very important aspect of this recent conference. After the debate

on rights implementation, 45 different proposals for improving human rights practices were offered.

Eventually, two rival final documents incorporating the respective proposals of both the East and the West were submitted for discussion during the last week of that session. The proposed final document submitted by our Nation, by our NATO allies plus Ireland (OME/47) emphasized the need to ensure immediate and tangible progress in implementing all provisions of the Helsinki Final Act.

The U.S. delegation called for observance of all civil, political, economic, social, cultural and other rights and freedoms which would ensure a balanced development of the CSCE process. We reaffirmed the responsibility of states to conform their treatment of citizens to commitments made as signatories of the Final Act. OME/47 also recognized the indispensable role that institutions, organizations, and individuals play in achieving full exercise of human rights and fundamental freedoms.

In this respect, OME/47 stressed the need for individual freedoms of expression and religion and the obligation of states to refrain from discriminating against persons belonging to national minorities.

The Soviets and their allies opposed OME/47 and introduced their own proposed final document (OME/48) that highlighted social and economic rights, the role of the state in providing employment, housing, and other social benefits, and the need for arms control to achieve peace.

Because consensus could not be reached between East and West, the neutral and nonaligned states then offered a draft which was acceptable although not as strong as our Nation had hoped. But the Soviets rejected even that draft. Finally, by early Monday morning, the concluding day, the United States and its NATO partners agreed that it would be far better not to have any final document than one that merely papered over important differences.

The Western document (OME/47) is significant, because it aggregated the human rights concerns and goals of its proponents, and because it gained informal support from the neutral and non-aligned states. It will become part of the official record of the CSCE process and will serve as a basis for the future discussions on human rights within CSCE, in bilateral contexts, and in multilateral arenas such as the U.N. Commission on Human Rights and the U.N. General Assembly's Third Committee.

After the 1975 signing of the Final Act of Security and Cooperation in Europe and the subsequent establishment of the bipartisan U.S. Commission on Security and Cooperation in Europe, few realized that human rights would become of paramount importance in the United States foreign policy generally and in relation to the Soviet bloc in particular.

Mr. Chairman, your bipartisan Commission on Security and Cooperation in Europe is a major reason for this development, because it has championed human rights within the CSCE process, and we all hope that your Commission will continue its good work.

The United States has now encouraged our Western allies and friends to revive their deeply held convictions on human rights, and to press for the observance of those rights and freedoms in

Eastern Europe. Moreover, the Human Rights Experts Meeting in Ottawa has strengthened mutual Western resolve on human rights. Despite the fact that Ottawa adjourned without any final document, the subject of human rights, I think, is firmly fixed on the European agenda for a long time to come.

I just returned, Mr. Chairman and my colleagues, from West Point where, along with the gentleman from California, Mr. Lantos, we met with a delegation from the European Community along with a delegation from the U.S. House of Representatives, where we engaged in a discussion of our mutual concerns.

The Europeans represented some 10 European nations of the European Community. We started by discussing impressions of the Ottawa meeting with them, and we found ourselves in full accord on the importance of human rights principles and of the importance of continuing to raise human rights issues in the Helsinki process.

These discussions made clear that the European commitment to human rights is not limited to diplomatic or executive circles, but is reflected just as strongly in the views of those directly elected parliamentarians and their constituents.

Mr. Chairman, I hope that our Nation's media will help us underscore the proposition that in our war of ideas with the East, what better or stronger ideal can we advocate than our historic American regard for the dignity of man, and what better international forum for expressing this proposition than in the CSCE process.

Thank you, Mr. Chairman.

Mr. D'AMATO. Congressman Gilman, we thank you for your presentation and for your taking your time to be here to share your thoughts with us. I want to underscore that I believe you touched on a most significant point.

There are those who are quick to say that the Ottawa Conference was a failure. The meeting was not a failure. Indeed, the fact that the West did not succumb to what we might term the diplomatic disease of seeking an agreement at any price to paper over the important differences between ourselves and the Soviet bloc. This was quite a remarkable achievement, recognizing that many of our allies do not speak out quite as strongly, at least publicly, on these human rights issues. Yet they held together.

Now that is an accomplishment that we should build on. Of course, it is my hope that the conference may prod the administration to take some of the kinds of actions that will demonstrate to the Soviets that we will continue to call for their adherence to their promises on human rights. We will withhold approval of various agreements that may be beneficial to their interests in the future absent their adherence to these agreements.

Although we would have preferred to come to some resolution of our differences—producing actions and activities that would deal with the specific violations—we didn't do the unthinkable. We didn't turn our head aside and say, "Continue business as usual, we'll keep quiet."

We didn't say, "As a matter of fact, we'll even make believe massive human rights violations are not taking place." That is the case

where we say the King has on a beautiful suit, indeed, when he has no clothes on.

Ambassador Schifter, through his fine work in seeing to it that our allies shared this common value and remained united behind the cause of human rights, I think, made a major achievement, a major breakthrough.

There are some fine subtleties in this. I was called by certain media representatives decrying the outcome of the Ottawa Human Rights Experts' Meeting. No one really believes the Soviets are going to publicly yield on human rights, but certainly, if we don't stick together, there will be no hope for those who are oppressed. There will be no hope of achieving our goal of achieving real respect for human rights.

Congressman Lantos.

Mr. HOYER. Before you yield to Mr. Lantos, if the Chairman would yield, I want to thank Congressman Gilman for appearing today and making an excellent statement, with which I agree wholeheartedly.

He closes it by talking about our war of ideas with the East. I think the point that many of us made and believe strongly is that, that will not necessarily be a war with dramatic victories. John Kennedy referred to it, I believe, as the long twilight struggle for freedom. There are going to be incremental victories, but it requires, it seems to me, a lot of self-discipline and patience on our part to stay the course.

That is what my colleague and friend talked about. I think you are right calling upon the media to focus on these issues. Frankly, it is my strong belief that this process is one of the best ways to continue that focus and publicize the activities of the participating states, particularly as to human rights issues.

Yes, there were some countries that publicized the proceedings more widely than other countries, but to the extent that there was any publicity, to the extent there was a forum and the exchange of views which could then be publicized, I think that represented a step forward.

I thank the gentleman for his taking the time to go to Ottawa and participate in the process, and for taking time to be with us this morning and make his eloquent statement.

Mr. GILMAN. Thank you, Cochairman Hoyer. Again, I want to comment both you and our good junior Senator from New York, Senator D'Amato, for your patient and diligent pursuit of this very important cause on behalf of all of us.

Mr. D'AMATO. Congressman Lantos.

Mr. LANTOS. Thank you, Mr. Chairman. Mr. Chairman, I would like to, I'm afraid, sound a dissonant chord. Before doing so—

Mr. D'AMATO. If you can't do it here, where would you be able to do it?

Mr. LANTOS. Let me first pay very high tribute to you, to my good friend, Congressman Hoyer, for the outstanding leadership you have provided our group in Ottawa and for your superb leadership in this whole field.

I would like to commend the witnesses who have been outstanding in representing both the American and the humane point of view under very difficult circumstances.

I don't believe Ottawa was a failure. I think the failure is far more fundamental than Ottawa, and I would like to deal with that for just a couple of minutes.

It seems to me that you did the very best under the circumstances, and I want to commend you. I don't think anybody could have done as well, certainly no better. It seems to me that there has been a metamorphosis in our approach to human rights, and it sort of reminds me at least of the person who cheats, steals and lies all week and then puts on a dark suit on Sunday and sings songs, because what has happened, it seems to me, from the days of Jackson-Vanik which is still on the books—I grant you that—is that we have sort of slipped away from it in, first, imperceptible and now very perceptible ways, and the two words that are now associated with trade are not Jackson-Vanik but contract sanctity.

The whole concept of contract sanctity sort of bothers me as a semantic matter, which I suspect would make some people argue that, if we had a contract with the hijackers of the TWA jet, we should continue supplying them because there is contract sanctity.

I think the Soviets have sensed this, Mr. Chairman, and they have shifted very noticeably from denial with respect to human rights to total cynicism.

When I had the pleasure of leading a delegation in January 1983 to Moscow and we dealt with human rights, the Soviets maintained their position of lie and lie, of denying the facts, of being very hostile towards us, and of suggesting that human rights really should not be discussed at all.

When I had the pleasure with my good friend, Congressman Gilman, of leading a delegation to Moscow this January, their line had shifted. They were anxious indeed to talk about human rights, and the first question they asked of me, as you recall, at Ottawa was what about the 900 American citizens who were arrested in San Francisco, when in point of fact the number of individuals were booked and released for blocking entrance to the Federal building. And my comments about representing the San Francisco Gulag were received with, frankly, total cynicism on their part.

I believe their cynicism stems from their accurate perception that the West on the whole is interested in human rights on a cost free, bargain basement basis. Ambassador Schifter, I was very interested in your dialog with Senator Wallop. You only told, I think, half the truth in saying that the Europeans would not be ready to walk out on the Helsinki process. You are correct in that, but the Europeans would certainly not be ready in imposing effective economic sanctions on the Soviet Union, which is the flip side of the argument, and I think the far more important side of the argument.

I don't think the Europeans' determination to continue with the Helsinki process is an index of their deep commitment to human rights. I rather believe it is a manifestation of their desire to pay lip service to human rights in a ritualistic sense—because that's all we are engaged in: ritualistic incantation of human rights—while slipping away from any meaningful and substantive measures which, in fact, would compel the Soviet Union to make some significant gestures of compliance.

My view, I'm afraid, is considerably more pessimistic than the general view that was expressed here. It is my feeling that the quid pro quo of the initial Helsinki accords has been shamefully violated. As we all know, our acceptance of the post-World War II boundaries was the quid and the quo was human rights. We got no human rights. This is true of the Soviet Union. I agree with Mr. Palmer that it is not true of Eastern Europe. I believe that the Helsinki process is of enormous pragmatic value with respect to Eastern European countries; and that alone, I agree with you, Mr. Ambassador, is worth keeping it, because after all, the Soviet Union is only one of the players; and there is Hungary, there is Romania, and there are others. The Helsinki process—and the public attention does, in fact, provide substantive and meaningful benefits to us.

I think the single most important statement, Mr. Ambassador, that you made this morning was your response to a question a few minutes ago as to whether your European colleagues were ready to deal with action items, and your response, as I recall, was that they were not authorized to deal with action proposals, actions outside of declarations in the field of human rights.

That, I think, is really the core of the issue. We have segregated, separated, demoted, minimized human rights in our conduct of foreign policy. It has become an almost irrelevant appendix to foreign policy which deals with other issues.

When I pointed out in Moscow in January, Mr. Chairman, at a press conference that the Geneva disarmament negotiations had a very heavy pall hanging over them, and that heavy cloud is our concern that whatever agreements might be reached, they will not be implemented by the other side because they have not implemented Helsinki, a member of the American delegation raised the very point that Senator Wallop raised: both the Senate and the House will be eager to sign anything that comes out of Geneva, irrespective of what happens to human rights.

My wife and I went to see Secretary Baldrige before he left on his trip to Moscow, urging him to be sure to put the human rights issue very much near the top of the agenda, and he assured us that he would do so.

He reached agreement on items, for instance, on fur imports into the United States, but I saw no corresponding Soviet concession with respect to human rights, not even to the point of providing us information on these outstanding cases that you, Mr. Chairman, referred to earlier.

I believe that the whole human rights movement is in tremendous danger of slipping into symbolism and moving away from substance. Jackson-Vanik was substance. I have grave doubt that if Jackson-Vanik were to be presented to the House or the Senate, it would get approval in today's climate. I have very serious doubts about Jackson-Vanik as a new piece of legislation being passed by the Congress today.

I think it's extremely important for us to realize that the Soviets and the East Europeans are at least as sensitive to the nuances as we are, and probably more so. They know that human rights, Ottawa, the whole issue, has been relegated into the somewhat

symbolic secondary realm, that the real action is over here and then we talk about human rights.

My feeling is that, until and unless we become serious about human rights in the Congress, until and unless we go beyond both the Congress and the administration in symbolic expressions and recognize that to achieve our human rights goals we cannot opt for the bargain basement, we cannot opt for cost-free victory—there are no cost-free victories.

Kennedy was talking about the twilight struggle, but he was also talking about paying any price, and we are a long way from paying any price. We would like to perpetuate the myth of our deep commitment, but we would like to do so without really interfering with the adult game which is going on in the other room.

I'm sorry, Mr. Chairman, that I am as pessimistic as I am; but I am pessimistic, because the sheer delight with which the Soviet Ambassador at Ottawa displayed this sheer and unadulterated cynicism in our private meeting with him was the ultimate proof that I needed that they had made up their minds, that they really don't need to deal with our human rights agenda, that they have for every single Sakharov and every group of Pentecostals and Crimean Tartars and Soviet Jews, they have their own list of complaints coming from the annual report of the Bureau of Indian Affairs or the Anti-Defamation League list of defamed synagogues in the United States. What they have decided to do is to abandon the dialog, feeble as it was, and to substitute for it a "dialogue", what the French call a dialog of the dead ones.

We state our case. They don't listen, and they don't answer. Then they talk about problems on Indian reservations, the failure of our side to pass the Equal Rights Amendment, the violations of various religious groups by having their places of worship defaced, and so on and so forth.

My feeling is you have to be honest in recognizing the fact that, yes, there is a "dialogue" in the Congress and in the media and the American public in the field of human rights, as I believe the Washington Post did not cover your conference at all, or only minimally or marginally. Am I correct in that, Mr. Ambassador?

Ambassador SCHIFTER. They did not.

Mr. LANTOS. Well, if the Washington Post chooses to ignore the 10th commemorative session, a substantive session of the Helsinki accords that goes on for 6 weeks, that will be represented with the most outstanding delegation we could send—and I want to again pay tribute to you, Mr. Ambassador—and this daily paper in our Nation's capital doesn't give you a single inch of print, that tells much about what has happened to the priorities of the American people and the media on the subject of human rights.

Thank you very much, Mr. Chairman.

Mr. D'AMATO. Thank you, Congressman.

[Applause.]

Mr. D'AMATO. Is there anything that any of you gentlemen might like to add in connection with the Congressman's observations? I think he spoke in a most eloquent fashion. I think his views, to a certain extent, echo the sentiments of my two colleagues in the Senate, Senator Humphrey, Senator Wallop, and reflect their frustration in what would appear to be the United

States saying one thing but not acting in accordance with what we're saying.

Ambassador Schifter, if you'd like to respond, or anyone else, we certainly welcome you.

Ambassador SCHIFTER. Mr. Chairman, I only want to clarify one point concerning my conversation, my exchange, with Senator Wallop.

That is about withdrawal by the United States from participation in the Helsinki accords. The point I wanted to make was not that our European colleagues were merely going to continue the human rights debate. What I had in mind was that they were interested in continuing to participate in the total effort under the Helsinki accords.

I would be concerned, quite frankly, that the human rights debate would not be as forthright in our absence than it is in our presence.

Mr. LANTOS. I fully support our presence, and I fully support your position on that.

Ambassador SCHIFTER. That is the point I wanted to make.

Mr. LANTOS. But I think the Europeans are staying in it because this is a talking arena and not an acting arena.

Ambassador SCHIFTER. And for their interest in a whole variety of other matters. After all, Principle VII is only one aspect of the Helsinki accords, and they are interested in a great many others.

My point is that we have been the ones that have played a very important role in pushing Principle VII forward. Well, that is a point of clarification.

Mr. LANTOS. I fully agree with that.

Mr. D'AMATO. Mr. Palmer.

Mr. PALMER. I just wanted to say, in the absence of any European spokesman here and as a member of the European Bureau of the State Department, in their defense that I think there has been a very substantial shift in European attitudes on human rights questions in the direction that Congressman Lantos and that we all want to see.

In France, for example, if you look at opinion polls, it is really amazing how much of a shift there's been in the last 10 years, from 70 percent favorable image of the Soviet Union to 30 percent or less. This is a result of Solzhenitsyn's works which Frenchmen have read, of Afghanistan, et cetera.

It is also, I think, important to say that the Europeans have a legitimate—perhaps we don't agree with it, but a legitimate different approach. The Germans, for example, are very concerned to bring the Iron Curtain down through more human contacts, trade, et cetera. They have their own form of *ostpolitik* which is a form of human rights policy.

They believe that walling off, that sanctions, that simply doing negative things is not going to achieve the kind of recreation of one Europe that we would all like to have. There can be important tactical differences and perhaps even different roles to be played. But I think it would be unfortunate if we left today without saying that the Europeans have their own approach, which is not lacking in some legitimacy.

Mr. D'AMATO. Would you care to respond to the Congressman's contention that it would appear that our European allies and maybe even this country want cost-free victories or human rights at bargain basement prices?

Mr. PALMER. The Washington Post may not have given an inch to human rights, but George Shultz gives miles to human rights in all of his meetings with Gromyko. I think that Andrei Gromyko would be stunned to hear that we had—this administration had put human rights on the back burner. We certainly have not. He is very clearly aware that we have not, and that there is no possibility of improvement in the relations unless human rights starts to pick up.

Mr. D'AMATO. Mr. Secretary, let me simply say to you that I think the Soviets have just taken the attitude that we're really not serious. There have been some, you know, who have said this particular leader abroad is really not so bad. He, for public consumption, has to say these things, but he's really a great ally of the United States. You can think of a number of leaders of various countries of which that is said.

I think that the Soviets are probably saying the same thing about the United States. They are saying that, "Oh, you know that Secretary Shultz had to say this. He has to bring human rights up. He has to put it out in the media, but they really don't mean it." I think maybe that's the kind of impression that we have made. What a number of us are saying is we are urging there to be something more than rhetoric, because after a while it's foolish, and people say it's foolish to be all talk and no action.

It is like the story, as Senator Wallop says, of the king who has no clothes on. Then, one little boy got up and told him, "You got no clothes on." Everybody said what a wonderful suit. Well, all the people see this. I think we're the only ones who may be perceived as going through this ritualistic dance.

Mr. LANTOS. If the gentleman will yield for just a second. I think there is a parallel, Mr. Ambassador, between rhetoric on international terrorism and the dismal failure over the course of years to develop effective policies.

I was late for this hearing, because we are exploring legislation to improve airport security globally. I made a suggestion in the Foreign Affairs Committee this morning that the United States, starting with the assumption that there is a pirate base—it's not an international airport; it is in the hands of international pirates—that we should not allow American-flag carriers flying from airports which allow Middle East airlines, which is the pirate airline, also to fly there, because the interchange provides the introduction of international terrorists into the international network of air travel. And the State Department was shocked by the proposal, was taken aback by the proposal, because this will be a controversial proposal.

They've got to make a choice. It's their sovereign choice. This is not a cost-free proposal, but it is an effective proposal. And it seems to me that in many, many fields—I mean, the President is now at a very difficult time reconciling his earlier rhetoric of 5 years ago with failure to act over the course of the 5 years.

We find this in the human rights field. We have tremendous rhetoric, but when it comes to action, there is very little follow-through.

Thank you, Mr. Chairman.

Mr. D'AMATO. Congressman Hoyer.

Mr. HOYER. Well, Ambassador Schifter wanted to respond.

Ambassador SCHIFTER. I just wanted to say that much of what Congressman Lantos said is, of course, valid. The point that has to be kept in mind, though, is, as I think Congressman Hoyer indicated earlier, the question often arises precisely what action in a particular situation can be of value in terms of achieving the result that we want to achieve. That is so often the challenge to us.

With regard to the message that has to be sent, let me also say this. From personal conversations which I have had with both Soviet and other East European diplomats, I do not get the impression that they believe that we are not serious about our interest in human rights. On the contrary, I think they understand that there is a seriousness with regard to the U.S. action that has to be taken into account by them. What I also want to say in this context, however, is that all of us must at all times make sure that we don't even suggest lack of seriousness.

What I want to note in this context is that a Soviet bloc diplomat mentioned to me recently that he had gotten letters of complaint from the Hill about specific human rights cases. When he got in touch with the Members of Congress in question, he was told: Well, you know, we do this for our constituents, don't worry about it that much.

Well, that is dangerous. What I certainly would agree is that all of us must at all times keep in mind that we must send one message to the Soviet bloc, a message of serious interest and attention. That certainly is a lesson that we all ought to keep in mind.

Mr. HOYER. Thank you, Mr. Ambassador. We have talked a lot about the Soviet Union but you have alluded to other East bloc nations as to having greater flexibility vis-a-vis the Soviet Union.

My question is: I know a number of organizations have raised questions with you and with the State Department as to Eastern Europe. Can you give me some specific instances of success? I don't mean specific in terms of individuals but with respect to the East bloc nations, particularly Hungary and Romania, what efforts bilaterally or multilaterally are being made with those countries; what flexibility have they shown and have the NGO's had an opportunity to interface on those questions in Ottawa, either with our delegation or with the State Department?

Ambassador SCHIFTER. Let me answer the last part myself, and then Mark Palmer would be able to respond to it.

What we did was take into account all the material that was submitted to us and act on it, and some of the action by us was off the floor of the plenary session, in bilateral conversations. Other statements were made on the floor.

With regard to the results, perhaps Mark might be able to offer some comments.

Mr. PALMER. Romania is, in human rights terms, certainly one of the biggest challenges and one of the biggest offenders in Eastern Europe.

Counselor Derwinski has just returned from a visit there where he had a long meeting with Mr. Ceaucescu and Foreign Minister Andrei. There were some concrete, positive results. One of the things that we've been very concerned about is the status of people who are granted permission to leave Romania before we have visa numbers to take care of them here. They've lost jobs, they've been pulled out of their apartments, and they live in really subhuman conditions. And we think that we're on the way to solving that problem as a result of Ed Derwinski's talks in Bucharest.

On the Hungarian side, we don't have those kinds of problems. It is relatively easier to travel. There are, however, some concerns there as well, and our very good Ambassador, Nicholas Salgo, has been in a dialog, a confidential dialog, about some of the treatment of intellectuals, for example, in Hungary.

It's a mixed bag. There have been these elections, which are by no means free elections, but are rather interesting.

So I would say that, on the whole, on things like family reunification, we've done all right in the Hungarian case. We still have a way to go with the Romanians, but we've made some very recent progress, which we'll be able to make public soon. I would be happy to talk with you about this privately, including some very prominent individual cases.

Mr. HOYER. Thank you very much. Mr. Chairman, I have a number of other questions which I will submit for the record, because we've run out of time.

I want to join what I know will be your remarks thanking the Ambassador, Secretary Matthews and Secretary Palmer for their participation. I also want to thank my good friend and colleague, Representative Lantos, who accompanied us to Ottawa and who is unflagging in his efforts to promote human rights. If there is any interpretation by anyone that Representative Lantos is reflective of the interest of the Congress of the United States, his words that it is a bargain basement interest will be belied, because he has certainly given as much attention, commitment, and effort to the human rights question as anybody in the Congress.

I want to congratulate him for it and concur with much of what he said.

In closing, let me say that Senator D'Amato and I are new as chair and cochair of this Commission. For my part, I expect to be an active, involved, committed commissioner. I know that Senator D'Amato shares those views and intends to give the Commission substantial, continuing leadership toward that end.

I intend to work closely with the NGO's who are vitally concerned, with the State Department, and with our delegations to various meetings of the CSCE. I hope to help portray to our allies and to our adversaries the clear view that the United States is, in fact, committed to the realization of the agreements reached at Helsinki, knowing full well that each nation will respond differently.

The Soviet delegation with which we met in Ottawa was cynical in its approach, and expected no progress to be achieved as Congressman Lantos pointed out.

I mentioned at that meeting that the United States delegation was aware that the Soviet Union and the United States clearly had

substantially different philosophies as to the proper role of government, particularly as it relates to its citizens, and of the individual in society.

Clearly, we do not share the Soviet view that the collective rights of people are more important than the political and civil rights of individuals.

For, in my opinion, you cannot have collective rights of much worth if the individual's rights are not respected.

Notwithstanding those various substantive philosophical differences, I urged the Soviet delegation to relay to Moscow that progress could be achieved in easing East-West tensions if certain individual cases of concern to all nations were resolved in accordance with the provisions of the Helsinki accords to which the signatory nations pledged faith.

Now whether there's the quid pro quo as Mr. Lantos suggests, it is important, it seems to me, for us to make our case privately and public in a tenacious and persistent manner. It is my view that the perceptions and opinions of the nonaligned nations as well as Western Europe, are very important to and, to some degree, a result of this process. I want to thank Ambassador Schifter, Secretary Matthews, and Secretary Palmer for assisting us in our oversight of this process and our involvement in this process.

Thank you very much, Mr. Chairman.

Mr. D'AMATO. Congressman Hoyer, thank you for undertaking this responsibility. I couldn't ask for a better cochairman to help in the work of the Commission.

Congressman Lantos, you have certainly made a valuable contribution today in your observations, which I must confess I share with you. I share also your frustration. I think we have to be more determined than ever to press on with the Helsinki process. Also thank you for your taking of your time to come with us to Ottawa, make your observations and your thoughts known.

Ambassador Schifter, it's not easy to undertake the challenge of facing the Soviets and then coming back, to report to your colleagues in government who get more frustrated at the lack of any substantive Soviet response. I think that our discussion here today will give you a spirit of resolute determination because the spirit that we've demonstrated today is to say that you are embarked upon the right course of action. We've got to get tougher in some other areas to let the Soviets know our support for human rights is real.

Mr. Palmer, you certainly impressed this Senator with respect to your observation of the situation. I appreciate what you're trying to do.

Mr. Matthews, we're deeply appreciate of your being here today.

We're going to ask that the record be held open for at least the next 10 days, because some of the Commissioners undoubtedly will have questions for the record. We ask you if you wouldn't take the time to respond to them to make it a more complete record. We'd be deeply appreciative.

This hearing stands in recess.

[Whereupon, at 12:55 p.m., the Commission was adjourned.]

APPENDIX I

June 13, 1985

REPORT OF THE MEETING OF EXPERTS REPRESENTING THE PARTICIPATING STATES OF THE CONFERENCE ON SECURITY AND CO-OPERATION IN EUROPE, FORESEEN BY THE CONCLUDING DOCUMENT OF THE MADRID MEETING OF THE CSCE, ON QUESTIONS CONCERNING RESPECT, IN THEIR STATES, FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN ALL THEIR ASPECTS, AS EMBODIED IN THE FINAL ACT.

1. In accordance with the relevant provisions of the Concluding Document of the Madrid Meeting of the Conference on Security and Co-operation in Europe, a Meeting of Experts representing the participating States took place in Ottawa, upon the invitation of the Government of Canada, from 7 May to 17 June 1985 on questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act.

2. The meeting was preceded by a preparatory meeting which was held in Ottawa starting on 23 April 1985.

3. At the Opening Session, the participants were addressed by the Right Honourable Joe Clark PC MP, Secretary of State for External Affairs, on behalf of the Government of Canada.

4. The formal opening on 7 May and the formal closure on 17 June 1985, including concluding statements made by delegations wishing to do so, were held in open plenary meetings.

5. The participants adopted an agenda and had a frank discussion of implementation of the provisions of the Helsinki Final Act and the Madrid Concluding Document in the human rights field. Forty-five proposals for recommendations were submitted and considered by the participants.

6. During the discussion different, and at times, contradictory, opinions were expressed as to respect, by the participating States, for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act and the Madrid Concluding Document. While certain progress was noted in a few states, grave concern was expressed at serious violations of human rights in some participating States. It was confirmed that this thorough exchange of views aimed at increased respect for human rights and fundamental freedoms constituted in itself a valuable contribution to the CSCE process.

7. This discussion was in conformity with the Final Act and therefore was not to be considered to be contradictory to the principle of non-intervention in the internal affairs of any State.

8. The participants reaffirmed that respect for human rights and fundamental freedoms is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among their States as among all States. They expressed their concern that failure to achieve progress in respect for human rights and fundamental freedoms

jeopardizes the credibility of the CSCE process as a whole.

9. They therefore emphasized the critical need to assure immediate and tangible progress in the implementation of the human rights provisions embodied in the Helsinki Final Act and the Madrid Concluding Document thus ensuring the balanced development of the CSCE process.

10. The participants recognized the responsibility of each State to take prompt action to bring their practices and procedures into conformity with their commitments in the Final Act and Madrid Concluding Document, as well as other international declarations and agreements by which they may be bound, thus assuring the full exercise of human rights and fundamental freedoms.

11. They also emphasized that institutions, organizations and individuals have a positive and indispensable role to play in the achievement of the full exercise of human rights and fundamental freedoms. Furthermore, they recognize the importance of co-operation with and among institutions, organizations and individuals engaged as a matter of common concern in the protection of human rights in their own States or internationally.

12. They stressed the need, irrespective of their political, economic and social systems, to intensify their efforts to implement fully Principle VII (Respect for Human Rights and Fundamental Freedoms, including the Freedom of Thought,

Conscience, Religion or Belief) of the Helsinki Final Act and the relevant provisions of the Concluding Document of the Madrid Meeting.

13. The participating States, recalling the right of the individual to know and act upon his rights in the field of human rights, as embodied in the Final Act and further reaffirmed in the Concluding Document of the Madrid Meeting, will take necessary action to remove legal and administrative measures so as to ensure in practice the right of all their citizens, individually or in groups, effectively to monitor the implementation of these documents. They will ensure the right of all their citizens freely to express their views on any question concerning implementation, in order to help ensure respect in their own country or in other participating States for these rights.

14. Further, they will, inter alia, publish or re-issue the Helsinki Final Act and the Madrid Concluding Document, as well as the Universal Declaration of Human Rights and other relevant international instruments in the field of human rights by which they may be bound, disseminate these documents in their entirety, make them known as widely as possible and render them permanently accessible to all individuals in their countries. They will bear in mind particularly the possibility of drawing attention to these documents and other relevant CSCE documents on such occasions as the Commemoration of the Tenth Anniversary of the Signing of the

Helsinki Final Act and further follow-up meetings.

15. They will fulfill their respective obligations concerning the fundamental right to freedom of movement in all its aspects as set forth in those international instruments by which they are bound.

16. With a view to strengthening implementation of the provisions of the Final Act and the Madrid Concluding Document concerning freedom of thought, conscience, religion or belief, and in compliance with the provisions of Article 18 of the Universal Declaration of Human Rights, Article 18 of the International Covenant on Civil and Political Rights, and the provisions of the United Nations Declaration on the Elimination of all Forms of Intolerance and Discrimination on the Basis of Religion or Belief, and any other international instruments by which they are bound, the participating States will pay special attention to the elimination of discrimination against the individual believer and religious communities wherever this occurs, on the grounds of religion or belief so as to ensure the equal exercise of their rights. For this purpose, they will create an atmosphere of tolerance and respect for all matters relating to freedom to profess and practice religion or belief, alone or in community with others, in public or in private.

17. They will grant the status provided for in their respective countries for religious faiths, institutions and

organizations, to religious communities of believers practicing or prepared to practice their faith, within the constitutional framework of their states, which apply for such status.

18. Further, they will engage in consultations, with the religious faiths, institutions and organizations, in order to reach a better understanding of the requirements of religious freedom and to take action to ensure their fulfillment. For this purpose, they will act to guarantee, inter alia:

- the right of persons to give and receive religious education individually, collectively or through religious organizations, including the freedom of parents to transmit their religion or belief to their children;

- the freedom of the individual believer and communities of believers to establish and maintain contact and hold assemblies in common with fellow believers, including those of other countries;

- to produce, acquire, receive, import and make full use of publications and other materials concerning the profession and practice of religion or belief; to have access to and use the various media for religious purposes.

19. They will undertake the necessary measures and apply the provisions of their internal legislation and their international obligations emanating from agreements between States, as well as other international instruments by which they may be bound, contributing to the consequent realization and

improvement of human rights and fundamental freedoms of members of national minorities, their legitimate interests and aspirations, thus refraining from discrimination against persons belonging to national minorities and safeguarding their national and cultural identity.

20. They stress the importance of ensuring equality of men and women in all spheres of life and will take appropriate measures in all fields to eliminate any discrimination against women in order to guarantee that all women and men may exercise and enjoy human rights and fundamental freedoms on an equal basis. Such measures shall ensure in particular the equally effective participation of men and women in political, economic, social and cultural life. Furthermore, they shall promote efforts to prevent violence against women.

21. The participating States, in fulfillment of their commitment in the Concluding Document of the Madrid Meeting in the field of trade union rights, will respect the right of freely established and joined trade unions and their freely chosen representatives to have direct and unrestricted contacts and communication among themselves.

22. They will authorize and encourage institutions, organizations and individuals to play their relevant role in monitoring the governments' respect for these provisions and in investigating individual complaints about alleged violations of

them.

23. They will facilitate and support discussion and cooperation among individuals, groups and organizations engaged in the protection or promotion of human rights and fundamental freedoms such as humanitarian organizations, churches, relevant professional groups, cultural organizations, women's organizations and youth organizations. One useful purpose of such international cooperation could be to elaborate and adopt sets of common professional and ethical standards to ensure full protection of and respect for human rights and fundamental freedoms.

24. They will respond to inquiries and representations from governments of other participating States and from private individuals or groups on matters concerning human rights and fundamental freedoms within their respective States. Such inquiries or representations may be made to foreign ministries or to such other offices as the participating State may designate.

25. The participating States, convinced that torture and other cruel, inhuman or degrading treatment or punishment are among the most serious human rights violations and cannot be justified under any circumstances, and bearing in mind all relevant principles and provisions embodied in international instruments by which they may be bound, will take all necessary steps to eliminate such practice and take effective legislative, administrative, judicial, and other measures to prevent and punish

such acts in the territories under their jurisdiction.

26. They will, to the fullest extent possible, respond positively to requests to observe legal proceedings. They will admit observers to such proceedings or provide complete explanations as to why such observers may not be admitted.

27. They will work toward the reduction in the length of incommunicado detention to a minimum.

28. They will also improve and increase the opportunities for representatives of non-governmental humanitarian organizations to visit prisoners. Where possible, restrictions concerning the reasonable access of relatives and friends in privacy to individuals under detention or incarceration in prisons or other penal institutions will be progressively reduced.

29. They will ensure that individuals are protected from psychiatric practices which violate human rights and fundamental freedoms.

30. Noting that terrorism endangers or takes innocent human lives and is an intolerable violation of human dignity, the participants reaffirmed the relevant provisions of the Madrid Concluding Document on terrorism.

31. They will hold regular meetings in order to discuss questions of human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, to encourage the implementation of the provisions of the Final Act and the

Concluding Document of the Madrid Meeting in this field.

32. The participants expressed their deep gratitude to the Government of Canada for the excellent organization of the Meeting and to the Government and people of Canada for the warm hospitality extended to them during their stay.

APPENDIX II

STATEMENT BY

THE HONORABLE MICHAEL ARMACOST
UNDER SECRETARY FOR POLITICAL AFFAIRS
U.S. DEPARTMENT OF STATE

May 9, 1985

Mr. Chairman, colleagues, ladies and gentlemen:

It is both a pleasure and fitting to gather in Ottawa for this meeting on human rights in the 35 state Conference on Security and Cooperation in Europe. I want to thank our Canadian hosts and the Executive Secretary for the excellent arrangements they have made for this meeting.

Canadians can be proud of their comprehensive and varied approach to the protection of human rights, based on parliamentary tradition and constitutional safeguards. The United States shares with its neighbor to the North a tradition of governmental commitment to securing the blessings of political liberty and the rights of the individual.

It is because of our deep commitment to these ideals and because of the importance we attach to this Meeting that Secretary Shultz has asked me to join our Canadian friends in welcoming you to the North American continent.

Human rights are a critically important part of the Helsinki process. Our purpose in Ottawa is to meet on questions concerning respect in the 35 CSCE participating states "for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act." We are also required by the Madrid Concluding Document to "draw up conclusions and recommendations to be submitted to the governments." Our delegation is ready to join seriously and constructively in a look at the situation that now exists, so as to identify the problems, and to look ahead for ways to improve respect for human rights. Our delegation will do all in its power to contribute to progress in CSCE and in human rights. We are committed to balanced progress in all matters covered by the Helsinki Final Act. No one area can be left aside. We will negotiate patiently and in good faith to ensure meaningful results.

The American commitment to human rights is an essential part of our national identity. We are a nation made up of men and women with very different cultural heritages. What unifies us is not a common origin, but our commitments to shared ideals: freedom, constitutional democracy, racial and religious tolerance. These are also the values which bind us to our closest allies.

Mr. Chairman, the cause of human freedom is one of our most cherished inheritances from the European continent. The ideas of John Locke, Baron Montesquieu, Voltaire, and Jean-Jacques Rousseau were taking hold in Europe before we were a nation. Many of our

ancestors were immigrants who arrived on North American shores in search of liberty. They knew first hand the excesses of tyrannical rule. As President Reagan has said, "From our beginning, regard for human rights and the steady expansion of human freedom have defined the American experience. And they remain today the real, moral core of our foreign policy."

In crafting a constitutional government to secure human rights and political liberties, our Founding Fathers understood the lessons of history. Over the centuries, promises by rulers with a monopoly of power proved insufficient to secure those rights. In our own Declaration of Independence, Thomas Jefferson listed certain "inalienable" rights, and added, "to protect these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Applying Jefferson's words, our Constitution set up a government of limited powers, with democratic institutions to ensure government based on consent of the people.

It is worth noting that the central idea of consent by the governed is closely related to the principle of self-determination, subscribed to by all of us in Principle VIII of the Helsinki Final Act. Democratic institutions are a tried and true formula for protecting human rights. Conversely, history has shown that failure to live up to the principle of genuine self-determination leads to abuses of human rights.

The Declaration of Independence set forth as the objectives of our government the rights to life, liberty and the pursuit of happiness. So that these objectives may be attained, our Constitution and Bill of Rights enumerate the specific rights of the individual which government may not infringe. Among these are the rights to free speech, free press, freedom of religion, assembly, habeas corpus, legal counsel and public trial. Self-incrimination, ex post facto laws, and cruel and unusual punishment are prohibited. A genuinely independent judiciary was established. This idea of denying government excess power over the individual -- based on our Founding Fathers' understanding of human nature and history -- has proven a durable and remarkably successful system to secure those rights. As Jefferson said in 1787, "A bill of rights is what the people are entitled to against every government on earth." My government will continue striving to improve our record as a nation dedicated to freedom, to justice and to human rights for all.

Human Rights and the Helsinki Process

Mr. Chairman, we are approaching the Tenth Anniversary of the signing of the Helsinki Final Act. It is well to reflect on the meaning of the CSCE process and its human rights dimension. Let there be no doubt about my country's commitment to the goals of the Final Act. We believe in its ideals: respect for fundamental

human rights and freedoms, including liberty of thought, conscience and faith, and rights of minorities; basic principles of relations between states; family reunification and human contacts; greater flow of information, ideas and persons across East-West borders. We also endorse commitments undertaken at the Madrid Conference, including provisions on the rights of workers to organize, religious rights, access to diplomatic and consular missions, rights of journalists, and measures against the growing threat of terrorism. We welcome the interim meetings leading up to the Vienna Review Conference as a chance to assess and make progress in a variety of fields including peaceful settlement of disputes, cooperation in the Mediterranean, culture, human rights, and human contacts. In Stockholm, we have co-sponsored along with the other 15 nations of the North Atlantic Treaty Organization a comprehensive package of confidence and security building measures. (If adopted, these could make a significant contribution to European security.

Our hopes for the Helsinki process, however, have always been tempered by realism. My government knew from the outset that CSCE would not solve all of the difficult issues we face, nor erase fundamental differences between East and West. We knew that the process would not break down overnight the divisions between East and West in Europe. But we believe that with patience, negotiation, and most importantly a good faith effort by all to live up to commitments, progress could be made and international tension reduced.

The Final Act calls respect for human rights and fundamental freedoms "an essential factor for the peace, justice, and well-being necessary to ensure the development of friendly relations and cooperation." The underlying logic is compelling -- international security, cooperation and human rights are part of one fabric. Progress in respect for human rights would bring with it improvements in bilateral relations. Would this not in turn increase confidence and security among the CSCE states, and in East-West relations?

This is the evolutionary vision that the negotiators of the Helsinki Final Act had in mind. They understood that human rights abuses within states can spill over into international relations, leading to tensions between nations and posing a threat to peace. As Secretary of State George Shultz said at the Madrid Review Conference, "There can be no lasting security or cooperation in Europe as long as one government is afraid of its own people and seeks reassurance in imposing a system of force on its people -- and on its neighbors." The United States shares with our Western partners an unswerving commitment to balanced progress in the human rights and security dimensions of the CSCE process.

Despite the compelling logic, and the commitments undertaken in the Helsinki Final Act, we still hear echoes of the view that a government's human rights practices should not be the subject of international concern and discussion. It is ironic that the

governments making this argument generally have political philosophies based on the concept of historical inevitability. Yet they are swimming against the tide of history. The Universal Declaration of Human Rights and the Helsinki Final Act are but two manifestations of a clear twentieth century trend in international relations and law -- human rights are a legitimate, important subject of international discourse. Let me make it perfectly clear -- my government does not accept the claim that raising concerns about a state's compliance with its CSCE or international legal commitments is an intervention in that state's internal affairs.

Mr. Chairman, even if governments wished to argue otherwise, citizens around the world and organizations devoted to the protection of human rights would not cease their humanitarian efforts. Nor would the press, which makes us more and more a global village, cease its inquiry.

I shall use this opportunity of the initial presentation at this meeting by the United States delegation to focus on one problem to which we attach special importance. The Helsinki Final Act and Madrid Concluding Document affirm the right of individuals to know and act on their rights, and the positive role of institutions, organizations and persons in achieving CSCE goals. These affirmations inspired many brave men and women to begin to monitor the progress of their governments in achieving the goals originally set forth at Helsinki, to speak out against what

they perceived to be injustice. Their fate has not been a happy one. Some have died; others languish in prisons, labor camps, or psychiatric hospitals, their lives destroyed. Their suffering and their sacrifices haunt this meeting. If we forget them, what they have done and why they have done it, we forget why we are here. Mr. Chairman, we call upon all CSCE states to give full meaning to the right of citizens to know and act on the rights guaranteed to them at Helsinki and Madrid.

Mr. Chairman, in expressing our support for the worthy goals and agreed standards of CSCE, we must not lose sight of the fact that the measure of our success is results - good deeds to match our good words. As one American scholar put it, rights "cannot survive through the power of words on parchment unless one believes in the magical power of incantation." Rights prosper when societies and governments allow and encourage them to do so. The United States considers implementation of the Final Act and the Madrid Concluding Document fundamental to the success of the CSCE process. We take our own commitments in the CSCE process seriously. While proud of our record, we are certainly willing to listen to the views of others. We will continue to do so, here in Ottawa and elsewhere. President Reagan has referred to this as "the critical moral distinction of our time - the clear difference between a philosophy of government that acknowledges wrongdoing and injustice and one that refuses to admit to such injustices and even justifies its own assaults on individual liberty"

Mr. Chairman, we do not expect instantaneous compliance with every CSCE provision, nor instant transformation of political, economic and social systems. We do, however, expect a good faith effort by states to live up to their international undertakings. If not, what implications are to be drawn for the reliability of other solemn commitments? We are looking for the possible and the necessary, for a direction, for signs of progress. CSCE provisions may not be legally binding and enforceable, but we will continue to speak out when commitments are blatantly disregarded. This is essential to the credibility of the Helsinki process.

It is because of our deep commitment to the ideals on which Principle VII of the Helsinki Final Act is based that we have used every opportunity that has been available to us to express our concern over failures to abide by the understanding reached at Helsinki. We have, in this context, engaged in what is often referred to as "quiet diplomacy." The communications of our views regarding specific cases as well as more general topics from a representative of our government to a representative of the government concerned outside of the earshot of the media. There have been quite a number of instances in which such quiet diplomacy has been successful. But, I regret to say, there are also instances in which no progress has been made through that approach. It is in those instances that we consider ourselves duty bound to draw the attention of third parties to the matters which have theretofore been dealt with bilaterally. The duty to which I

am referring is, as far as this meeting is concerned, imposed on us by the Madrid Concluding Document. Ambassador Schifter and his delegation have been entrusted with the responsibility to fulfill it in the weeks immediately ahead.

Outlook for Ottawa

Mr. Chairman, as our expectations for the Helsinki process are realistic, they must also be so for this six-week experts meeting. There are major differences of outlook among us on questions of human rights. Yet, the CSCE is a dynamic process which calls on us to examine periodically the record and the prospects. It is a complex and interrelated process; each meeting and each step has an inevitable effect on the next. It is a process which ebbs and flows with the changing state of East-West relations. We do see a possibility of hope, and are prepared to be flexible and creative to help achieve what is possible.

As each of our governments has surely done, my government has thought seriously and carefully about this meeting. We have held discussions, engaged in consultations, and made studies. We have spoken with interested American citizens to seek their views and to inform them of ours. We have developed concrete ideas which could make a contribution to progress in human rights, and will be ready to discuss them in detail. We know of and share the hope that this

meeting contribute to an improvement in East-West relations. I have tried today to suggest a vision how that could happen. For our part, we are ready, willing, and able. We call on all CSCE participants to join with us in building a more stable, secure world in which human rights are respected.

Introductory Statement
by U.S. Ambassador Richard Schifter
to HREM Meeting of CSCE

Ottawa, Canada -- May 10, 1985

Mr. Chairman:

This Meeting, as we all know so well, has been convened, under the provisions of the Madrid Concluding Document, for the purpose of letting the signatories to the Helsinki Accord examine "questions concerning respect, in their States, for human rights and fundamental freedoms, in all their aspects as embodied in the Final Act." The key words of this call for our Meeting, "human rights and fundamental freedoms," had been the subject of detailed discussion at the Helsinki Conference which produced the Final Act. They were defined in Principle VII. As there stated, human rights and fundamental freedoms encompass:

- (a) freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion;
- (b) civil, political, economic, social and cultural rights;
- (c) the right to practice one's religion or belief in accordance with one's own conscience;
- (d) equality before the law of national minorities; and
- (e) the right to know one's rights and act upon them.

Furthermore, Principle VII incorporates by reference such international human rights instruments as the Universal Declaration of Human Rights.

In summarizing Principle VII, I skipped over two paragraphs for the purpose of now focusing special attention on them. They read as follows:

"The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States.

They will constantly respect these rights and freedoms in their mutual relations and will endeavor jointly and separately, including in cooperation with the United Nations, to promote universal and effective respect for them."

These paragraphs, Mr. Chairman, constitute recognition by all signatories to the Final Act of the close link between respect for human rights and the development of friendly relations among

nations, the interrelationship between a government's respect for the rights of its own citizens and its regard for the inhabitants of this globe who live beyond its borders. There was a time, not long ago, when the great majority of the citizens of our respective countries did not pay a great deal of attention to what it was that was happening beyond the limits of their villages or towns and most assuredly did not pay attention to occurrences in other countries. It was the world's experience with the Nazi system that brought about a fundamental change in outlook. As Pastor Martin Niemöller observed, if you ignore the misdeeds done to your neighbors, there will be no one around to assist you once misdeeds are done to you. Increasingly, in recent decades men and women across the face of this earth have come to understand the validity of the thoughts of John Donne, who authored the words made famous by Ernest Hemingway:

"No man is an island, intire of it selfe; every man is a peece of the Continent, a part of the maine; if a clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Mannor of thy friends or if thine owne were; any mans death diminishes me, because I am involved in Mankinde; and therefore never send to know for whom the bell tolls; It tolls for thee.

In my country, Mr. Chairman, as I am sure is the case in other countries as well, these words of John Donne have increasingly been reflected in the general attitude of people toward world events. In the United States this general attitude has through the electoral process been transmitted to the President and the Congress. The President and the Congress, in turn, have seen to it that the attitude to which I have referred is reflected in the formulation of our foreign policy. Our people care about the manner in which the governments of other countries deal with their own citizens and they insist that the Government of the United States make known the views of the American public on this vital issue and interact with other countries in keeping with these views. Thus, the link established in Principle VII between respect for human rights and friendly relations among States is not an invention of the drafters of the Helsinki Final Act, but the codification of a relationship which the authors recognized as existing.

The point I am making, Mr. Chairman, let it be clearly understood, is that in our view respect for human rights in individual states contributes to the improvement of international relations. By the same token, disrespect for human rights contributes to the deterioration of international relations.

The distinguished representative of the Soviet Union, in his opening speech two days ago, also spoke of this linkage between human rights, on the one hand, and relations between states, on the other. However, he reversed the cause-and-effect relationship which I have just described. In his view, if I understood him correctly, detente leads to greater respect for human rights and international tension leads to a clamp-down on human rights. Through its distinguished representative the Soviet Union told us that if we cooperate with it in international affairs, it is prepared to cooperate with us in the area of human rights.

We have, Mr. Chairman, some problems with the logic of this proposition. When we use the term "human rights," we describe the relationship between a government and its own citizens. Does it stand to reason that if foreign countries establish friendly relations with a particular government that government, in turn, will - so to speak - reward the foreign countries by dealing kindly with its own citizens? And does it further stand to reason that if international relations are tense, the foreign countries will be punished by the government in question through the adoption of repressive measures against its own citizens? Would this not mean that a government holds its own people hostage, treating them well or poorly depending on the way other countries threat if in international affairs?

Nor need we deal with this problem as an abstract, philosophic proposition. We have empiric evidence in recent history that sheds light on this issue.

After the long dark night of Stalinism, the dawn of greater respect for human rights in the Soviet Union arrived in the spring of 1956, following Chairman Khrushchev's address to the 20th Congress of the Communist Party of the Soviet Union. That dawn came in a period often referred to as the Cold War. International crisis succeeded international crisis, to reach a terrifying crescendo in October 1962. Yet, during this very period of international tension domestic controls in the Soviet Union were eased, causing the era to become known as that of the thaw. What is clear is that the thaw came first, followed ultimately, in the wake of the Cuban Missile Crisis, by significant relaxation of international tension.

We witnessed the same sequence, that of domestic change being followed by international change, not the other way around, ~~can be identified~~ in the Nineteen Seventies. At the very time that East-West relations improved further, bringing on the period of detente, the Soviet Union began its campaign to suppress political dissidents. To use the phrase which so frequently appeared in Soviet theoretical journals in those

days, "the correlation of forces was tilting in favor of the Socialist camp." And as it kept tilting throughout the Seventies, as detente continued, the tilt in the domestic sphere was against the exercise of human rights. The thaw having long since ended, freedom of expression was returned to the deep freeze. At the very time that United States and Soviet negotiators met to complete the SALT II negotiations, in 1979, reports of a wave of new arrests of Helsinki monitors cast an ominous shadow over the new agreement. There were many reasons as to why the United States Senate failed to ratify SALT II, but the least that can be said of the repressive measures taken by the Soviet Union in the late Seventies is that they did not help maintain the spirit of detente and most assuredly did not win Senate votes for SALT II.

The point I am making is, I am sure, clear. We must all learn from history. And the one lesson taught by the events I have just described is that respect for human rights leads to a relaxation of international tension, not the other way around.

Mr. Chairman. Given the commitment of all the signatories of the Helsinki Final Act to principles of human rights and given the Final Act's recognition of the link between respect for human rights and friendly relations among States, how

should the signatories deal with reports of violations of these principles? If we were to ignore these violations, Mr. Chairman, we not only reduce the credibility of the entire Helsinki Process, but would thereby also make more difficult, in the words of Principle VII, "the development of friendly relations and co-operation among . . . States." For a government which has been reported to have violated human rights might ignore the complaints of affected individuals will give more serious attention if the complaints are clearly stated by one or more other governments. Such clear statements can, at the same time, serve as good indicator to the recipient government of the specific steps that it could take if it wanted to make a contribution to the relaxation of international tension.

There once existed the notion, to be sure, that what a potentate did to his subjects is his business and not anyone else's. An American protest against human rights violations delivered during the Administration of President Theodore Roosevelt to the Government of Czar Nicholas II was rejected on that ground. But the world has moved on since then. Immediately following World War II the international community reflected on the horrors for which the Nazi regime had been responsible, horrors which were first visited upon the

country's own citizens, on persons persecuted for political dissent or ethnic origin or both, horrors which later enveloped most of the European continent. It was in light of these reflections that the Universal Declaration of Human Rights was drafted and adopted and that 27 years later Principle VII was incorporated into the Helsinki Final Act. Both documents elevated the issue of a government's respect for the human rights of its own citizens from the domestic to the international plane.

The international community understands, of course, that there exists no international judicial tribunal with jurisdiction over all 35 participating nations which can adjudge complaints against violators of the Declaration and the Final Act, issue cease-and-desist orders against them and enforce such orders. All that can be done is call attention to violations and hope thereby to apply moral suasion.

It is said, however, just as it was said in days of old, that even such discussion of reports of human rights violations constitutes intervention in the internal affairs of another State. Attention has been called to provisions of the United Nations Charter against such intervention and in the case of the Helsinki Final Act to the provisions of Principle VI

thereof. Some of our colleagues in this hall have heretofore discussed this point and have responded to it most effectively. Let me, therefore, add merely a legal gloss to the points already so appropriately made. To do so, let me draw attention to the provisions of Principle X of the Final Act. That Principle provides that

"[i]n their sovereign rights, including the right to determine their laws and regulations, [the participating States] will conform with their legal obligations under international law; they will furthermore pay due regard to and implement the provisions in the Final Act of the Conference on Security and Co-operation in Europe."

And, most importantly, Principle X states that

"[a]ll the principles set forth above are of primary significance and, accordingly, they will be equally and unreservedly applied, each of them being interpreted taking into account the others."

A reading of all of the relevant provisions of the Final Act and an examination of Principles VI and VII in the light of the guidelines provided by Principle X, ~~Mr. Chairman~~, leads necessarily to the conclusion that in order to give meaning to Principle VII, participating States must feel free to call attention to violations of that Principle, so as to encourage

participating states to conform with their legal obligations under international law, and that the act of calling attention to any violations does not constitute intervention within the meaning of Principle VI. Intervention, as the word is used there, involves action which goes beyond mere comment or expression of concern.

In his presentation to us the other evening, our distinguished Soviet colleague offered one other reason why we should not be discussing each other's human rights problems at this meeting. The point he made was that the Madrid Concluding Document mandated each of us merely to report on human rights conditions in his own country and not elsewhere. In quoting from the Madrid Document he said that it provides for a review of respect for human rights "V Svaikh Stranakh", which, I am told, indeed means in Russian in "their own countries." If that were a correct quotation from the Concluding Document, our colleague might very well have a good argument. But it is not a correct quotation. The official Russian text of the Concluding Document calls for a review of respect for human rights "V Ikh Gosudarstvakh", which, I am further told, means in Russian "in their states", thus encompassing all of them, not limiting each of us to speak only about his own country. I am confident that after checking his version against the

official Russian text of the Concluding Document, our colleague will take due note of the discrepancy and recognize the difference in meaning.

Our distinguished colleague from the Soviet Union told us that in applying international standards of human rights, we need to take into account the differences in interpretation of these standards in different social systems and cultures. We agree. We recognize, for example, that some of the more far-reaching decisions of the United States Supreme Court in the area of civil liberties, as to the scope of freedom of speech, including symbolic speech, or as to the rights of persons suspected or accused of having committed crimes, including limitations on police searches and seizures, or the exclusion of improperly seized evidence, are not likely to be given universal application in the near future. But there are a good many practical applications of human rights principles on which one should indeed be able to get full agreement among all the participating States of the Helsinki Final Act: if the Act is to mean anything at all. They include such propositions as: no person should be incarcerated for the mere expression of dissenting views or for reporting events concerning human rights violations; no person should be punished for crimes he did not commit, on evidence manufactured by the police or by

prosecutors; no person should be subjected to governmentally-authorized discrimination on grounds of ancestry; no person should be deprived of the free exercise of his religion; no person who is not likely to do physical harm to another person or to himself should be involuntarily committed to an institution for the mentally ill; no person shall be compelled by his government to change his name and deny his ethnic origin or be discriminated against if he fails to do so; no group of persons shall be prevented from maintaining their language, their literature and culture. Propositions such as these, I submit, cut across all social systems and can be said to be truly universal. They should be discussed by us here so as to determine whether we can agree that these propositions must be deemed necessary corollaries of the provisions of the Helsinki Accords.

Human rights, Mr. Chairman, are a matter of deep interest to the United States Government, to which we apply thought and deliberation. Our goal is not to score debating points or propaganda victories, but to obtain results, to improve the lot of persons who are the victims of human rights violations.

It follows that once we become aware of a human rights violation or of a pattern of human rights violations, we seek, as Secretary Armacost has noted, to engage where possible in

quiet diplomacy, to resolve the problem without fanfare. We are glad to say that in a good many situations that approach has been successful. In fact, where there is a realistic hope that a quiet approach will succeed, we prefer to take that route.

However, Mr. Chairman, there are circumstances where, after some time, it becomes clear that a deaf ear has been turned to all the appeals that have been made to end human rights violations in a particular setting. It is in those instances and only in those instances that we deem it necessary to express ourselves openly on the reports which come to us concerning the subject of human rights violations.

It is not our intention, Mr. Chairman, to use a phrase that is often bandied about, to "seek confrontation" at a meeting devoted to a discussion of human rights. At the same time, we believe we would be remiss in our duties if we came to a meeting called to discuss human rights performance within the framework of the Helsinki Final Act without making reference to human rights violations of which we are fully aware and for which we have not discovered any other means of redress. In speaking of such shortfalls in human rights performance at this meeting we shall seek to avoid flowery adjectives and purple

prose. We shall seek to lay out the facts, simply and plainly. But it is our intention to send our message clearly to the appropriate address rather than marking it "to whom it may concern."

Let me add that we have come here in full recognition that the right which we claim for ourselves, namely the right to discuss reports of human rights violations in other participating States, is a right which adheres to all such States. This means that all participants have the right to discuss reports of human rights violations in the United States. But I hope that those who will speak on the subject of human rights in the United States will try, as we shall, to avoid flamboyance and to try to get their facts straight. Ours, as is well known, is an open country. It does not take a great deal of effort to establish whether certain allegations as to events in our country are accurate or not. I do hope that all those who will speak here about the United States will instruct their research assistants to utilize the opportunities for verification that do exist. There are, as we all know, a great many of them.

One point that has already been made in criticism of the United States, although we were not named explicitly, is that the United States Senate has failed to ratify certain international covenants in the field of human rights. I can offer, first, a purely technical answer, namely that we are here to discuss respect for human rights and not the question of how many times we have promised to respect human rights. But there is more to this issue than is covered by this technical answer. Human rights in our country, Mr. Chairman, are protected by the Constitution of the United States, by our State Constitutions, and, above all, by an independent judiciary. From a pragmatic point of view, ratification of the covenants would add nothing that is not already covered by domestic law in a manner in which human rights can be effectively enforced.

Let me add that as the years pass our Senators may see less reason than ever to ratify such international instruments as the Covenant on Civil and Political Rights because they see that among those that purport to adhere to that international instrument are the most serious human rights violators, each of them relying on the fact that under the Covenant human rights may be abridged if the country claims that such abridgement is necessary for such purposes as public safety and order. In the

absence of an independent judiciary which can determine what is and what is not necessary to protect public safety and order, this loophole provision, repeated frequently throughout the Covenant has served only to drain that document of real value.

To be sure, the authors of the Covenant did think of this problem and sought to guard against it. Under an Optional Protocol, they created a Human Rights Committee, which is empowered to receive and consider complaints. Suffice it to say that the Soviet Union has not ratified the Optional Protocol.

This discussion of the covenants, Mr. Chairman, bears some special relevance to our work under the Helsinki Final Act. Increasingly in my country the question is asked as to what value there is in those Accords if they can be violated with impunity. The answer to this criticism must be that violations won't be ignored, that in a fair and just manner they will be discussed within the CSCE process and that there is indeed reason for hope that over time all signatories to the Helsinki Final Act will increasingly seek to bring themselves into compliance with its provision. That is the goal toward which we must bend all our efforts.

Plenary Statement
by U.S. Ambassador Richard Schifter
on Freedom of Expression
to HREM Meeting of CSCE

Ottawa, Canada -- May 15, 1985

Mr. Chairman:

The Helsinki Final Act, as many of us are aware, was reprinted in the August 1, 1975 edition of Pravda. Our distinguished Soviet colleague has told us that from 20,000,000 to 30,000,000 copies of that document have been distributed. That means that an extraordinarily large sector of the Soviet public received direct information about the detailed provisions of the Final Act.

That document, it should be recalled, was not signed by subordinate officials of the participating states. Most of the signatures affixed to it are those of heads of state or of government. In the case of the United States, the signature was that of the then President, our head of state and of government, Gerald R. Ford.

Did it not stand to reason that any person who would examine the Final Act and look at the names and titles of the signers would conclude that this was indeed a document of the greatest significance? And would it not further stand to reason that if these important personalities gave this document their approval that they were sincerely committed to upholding its contents? And was it not clear that when the participating states pledged themselves to act in conformity with the Universal Declaration of Human Rights, that they were thereby guaranteeing to each citizen of the 35 participating states all the rights set forth in that document?

It all stood to reason and it was all so clear, Mr. Chairman. Should we, therefore, have been surprised that a group of men and women committed to the spirit of freedom began to speak out about what they saw as violations of the Helsinki Final Act? And was it not reasonable for them to rely on the high-ranking signatories to that document, all the signatories, as assuring them of protection against those who might want to punish them for speaking out?

Let us recall, Mr. Chairman, that one of the important rights guaranteed by the Universal Declaration of Human Rights, which is incorporated in the Final Act by reference, defines freedom of expression in its Article 19 as follows:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

It was in reliance on the Final Act and the words of the Declaration that the so-called Helsinki Watch Groups were formed in the Soviet Union, first in Moscow, and then in the Ukraine, Lithuania, Georgia, and Armenia. Over a period of years about 75 men and women became members of these and allied Groups. These individuals did not plot to overthrow the Government of the Soviet Union. They did not even engage in what we would consider normal political activity in the West, that is, organize to make changes in the government by peaceful means. They did nothing other than "receive and impart information," a right explicitly guaranteed through the Final Act. It is because they tied their activities directly to the Helsinki Final Act and because they acted in reliance on us, on all of us, that they deserve our special attention. That is indeed why, in setting forth this bill of particulars, we are mentioning them first.

Three of these courageous men and women, Ukrainian monitors Oleksey Tykhy and Yuriy Lytvyn, and Armenian monitor Eduard Arutunyan died last year due to medical neglect, maltreatment or both in Soviet labor camps. Fifteen of the monitors have been allowed or forced to emigrate. Most of the others, including founder Yuriy Orlov, Mykola Rudenko, Viktoras Petkus and Merab Kostava, were sentenced to long terms of imprisonment and internal exile. Even the very old were not spared. Eighty-year-old Oksana Meshko is today serving a five-year term of internal exile. Forty one are currently in Soviet prisons, labor camps, psychiatric hospitals, or serving terms of internal exile. Persecution of these individuals continues to this very day. Just last month, Yuriy Orlov, having completed his long prison term and having begun his years in banishment, was severely beaten by unknown assailants at his place of exile in remote Siberia. Ukrainian monitors Mykola Horbal and Iosif Zisels were resented to lengthy terms of imprisonment.

Thirty one currently imprisoned Soviet Helsinki Monitors are serving sentences of up to ten years incarceration followed by five years of exile in remote areas for alleged "anti-Soviet agitation and propaganda." Four others were sentenced for up to three years of imprisonment or five years of internal exile for alleged "anti-Soviet slander." These thirty-five Helsinki monitors have been convicted of what are clearly political

crimes, the crime of imparting information. They have been convicted under one or the other of the two articles in the Soviet criminal codes which define these political offenses. In the Criminal Code of the Russian Soviet Federated Socialist Republic they are Articles 70 and 190.1.

The official Soviet commentary to the R.S.F.S.R. Criminal Code states that intent to undermine or weaken the Soviet state must be proved when people are charged under Article 70. Nevertheless, no effort is made to demonstrate such intent in these cases. Another condition, applicable to both sections, that defendants must know that the materials which they have disseminated or stored were false, is also ignored. In fact, it is often forbidden even to refer to the titles of alleged "anti-Soviet" materials in court since that would itself constitute "anti-Soviet" behavior. Under these circumstances, Mr. Chairman, it is hard to see how such cases can be defended.

It is clear the criminal code provisions here at issue are used to punish persons who disseminate views which the authorities deem unpleasant, with the authorities choosing one or the other of these Articles as the basis for the charge. Which Article is actually chosen evidently depends on how severe the authorities wish the punishment to be.

In addition to the Helsinki monitors sentenced for clearly political crimes, there are others who were convicted on manufactured criminal charges, ranging from hooliganism to treason. Into the latter category falls, of course, the case of Anatoliy Shcharanskiy, convicted on perjured testimony for a crime he did not commit. Shcharanskiy is now entering his ninth year of incarceration.

No one can possibly argue, Mr. Chairman, that we are obliged to accept the practice of manufacturing evidence so as to convict innocent people, simply because such practices had been customary in certain social systems. That such practices were indeed customary under Joseph Stalin was acknowledged by Chairman Khrushchev in his speech to the 20th Party Congress. But one would have thought that this practice has been ended. Tragically, it has not been. One should hope that the new Soviet leadership is prepared to end this practice once and for all and to acknowledge past errors.

Helsinki monitors are not the only persons who have been sentenced to prison terms for the exercise of their right to freedom of expression, as set forth in Article 19 of the Universal Declaration. Punishment has also been meted out to persons who, without having joined any group, have had their unauthorized samizdat writings circulated in the Soviet Union

or published abroad. In 1984, at least 11 Soviet citizens were imprisoned for their samizdat activities; neither the young Russian, Yelena Sannikova, nor the 79-year-old Lithuanian Vladas Lapienis, were spared. The latest addition to this list of incarcerated writers is Lev Timofeyev, who was arrested a little over a month ago. His crimes were the publication in the West of two socio-economic essays, entitled "The Last Hope to Survive" and "The Technology of the Black Market or the Peasant Art of Starving." He also wrote a play, entitled "Let Me Pass His Cup".

There is one other set of victims to which I would like to call attention. In the early 1980's, two unofficial peace groups appeared in the Soviet Union, the Baltic Nuclear-Free Zone Group and the Group to Establish Trust Between the U.S. and the U.S.S.R. As its name indicates, the Baltic Group favored the creation of a nuclear-free zone in northern Europe. The Group to Establish Trust hoped to promote a four-sided dialogue between the Soviet and American governments and their respective peoples. The groups were admittedly inspired by the peace groups which had long been active in the United States and Western Europe. But in spite of this and in spite of the long-term overt and covert Soviet support for many of these Western peace groups, the Soviet authorities have reacted to their own home-grown versions with persecution and prison sentences.

Members of the Group to Establish Trust have been subjected to a battery of repressive measures; including detentions, interrogations, searches, official warnings, attacks in the Soviet media, beatings, house arrests, surveillance and dismissal from work.

To date, two members of the Group to Establish Trust, Oleg Radzinsky and Aleksandr Shatravka, have been imprisoned under Articles 70 or 190.1. Five members of the Baltic Nuclear-Free Group, Estonians Arvo Pesti, Heiki Ahonen, Lagle Parek and Enn Tarto and Latvian Ints Calitis, have been sentenced to long terms of imprisonment and internal exile on charges of "anti-Soviet agitation and propaganda."

Cases such as these raise fundamental questions about the manner in which Articles 70 and 190-1 of the Russian Criminal Code are being applied, if not about the Articles themselves. We shall, of course, be told that these Articles cannot be challenged as they are laws promulgated by the republics of the Soviet Union in the exercise of their domestic jurisdiction. But may I once more refer to Principle 10, Mr. Chairman, under which the participating states pledge themselves to bring their domestic laws and regulations into conformity with their legal obligations under international law?

Here again we would hope that the new leadership would conclude that a country as powerful as the Soviet Union, a country of 270 million people, can only gain and has nothing to lose from the peaceful activities of that small number of individuals whose fate I have just described. Such a recommitment to the principles of the Helsinki Act could best be symbolized by the restoration to full freedom of Anatoliy Shcharanskiy and Yuriy Orlov and all the other persons who have been subjected to criminal prosecution for the mere exercise of the right to freedom of expression. So as not to impose on your time with a detailed recitation of the many cases with which we are concerned, we shall furnish details in a written annex.

There is one other aspect of the problem of denial of the right to freedom of expression which deserves special attention. I have so far recited specific cases which involve the meting out of criminal punishment to persons who exercised that right. But there is one other, particularly horrible, form of punishment which has been used frequently by Soviet authorities in recent years against those who express dissenting views: The commitment of sane persons to institutions for the mentally ill.

Ironically, during the days of Joseph Stalin, political prisoners considered themselves lucky to be committed to a psychiatric hospital, where physicians would often try to protect them against the mistreatment and probability of death from overwork or starvation which could be their fate in the Gulag. Today and in recent decades, commitment to a psychiatric institution has been resorted to as a bureaucratic shortcut which avoids publicity and circumvents socialist legality. Obtaining a commitment order from a psychiatrist for a mental illness known as "sluggish schizophrenia," a disorder recognized only in the Soviet Union, removes the victim quickly from society.

Soviet authorities have not merely incarcerated their victims in psychiatric hospitals, however. There must be treatment. There is clear evidence from many sources that prisoners of conscience in psychiatric hospitals are often injected with powerful and painful drugs for non-therapeutic reasons and are subjected to arbitrary beatings and other forms of brutal psychiatric punishment. This, Mr. Chairman, is clearly a form of punishment so cruel as to constitute torture and is thus an act in conflict with Article 5 of the Universal Declaration.

At least 166 persons are currently known to be incarcerated in Soviet psychiatric hospitals for their political or religious beliefs. More than half are committed to so-called special psychiatric hospitals, which are run and controlled by the same organization which administers the Soviet prison and labor camp system. Three at least have spent more than a decade in this special corner of the Soviet Gulag; the Baptist Anna Chertkova, Ukrainian writer Viktor Rafalsky and the Bashkiri poet Nizametdin Akhmetov.

Those brave Soviet citizens who helped expose and tried to stop the use of psychiatry for political ends, members of the Working Commission to Investigate the Abuse of Psychiatry for Political Purposes, were themselves sentenced to long prison terms for anti-Soviet agitation and propaganda. Leading Commission member Anatoliy Koryagin received a 12-year sentence for "anti-Soviet agitation and propaganda" in 1981. The latest information reaching the West regarding his condition indicates he may be dying after being subjected to systematic beatings by authorities at the notorious Chistopol Prison.

The natural revulsion caused by the Soviet abuse of psychiatry led to a movement to expel the Soviet Union from the World Psychiatric Association. A motion to expel had been scheduled for debate at the July 1983 meeting of the Association. Faced with the prospect of almost certain expulsion, Soviet authorities ordered the Soviet All-Union Society of Psychiatrists and Neuro-Pathologists to withdraw from the Association in February 1983.

I cannot complete this discussion of the denial of the right of freedom of expression in the Soviet Union without referring to the tragic fate of that courageous couple, Andrei Sakharov and Yelena Bonner, who are also the victims of internal exile.

In January 1980, following his criticism of the Soviet invasion of Afghanistan, Dr. Sakharov was stripped of his state honors, and without benefit of trial, forcibly banished to internal exile in the closed city of Gor'kiy. On May 2, 1984, he embarked on a hunger strike to protest Soviet refusal to permit his wife, Yelena Bonner, to travel abroad for urgently needed medical care. He was subsequently abducted by Soviet authorities on or about May 7, hospitalized, force-fed and may have been treated with psychotropic drugs. Since his release sometime in September, he and Yelena Bonner have been kept under virtual house arrest. Their telephone is disconnected, they cannot meet with their family and the small trickle of correspondence permitted them is heavily censored and devoid of content.

The restrictions which have been imposed on Dr. Sakharov have not only deprived him of his human rights. They have had the effect of depriving the world of a person of truly unique talent. It is a tragedy for all of us that the Soviet Union is depriving humankind of the benefits that could flow from his work. Soviet authorities sometimes claim that Dr. Sakharov is a security threat even though he was removed from sensitive work by Nikita Khrushchev more than twenty years ago. But American physicists have told me that there is simply no realistic basis for the argument that information that is that old could have any practical value to the West if Dr. Sakharov really wanted to pass it on. As we all know, no other step by the present Soviet leadership would receive as much favorable worldwide attention as the removal of the restrictions imposed on Dr. Sakharov and his wife.

I have so far dealt only with the issue of restrictions on freedom of expression in the Soviet Union. Unfortunately, there are other participating states where similar problems can be identified. Although there are minor differences between the Soviet Constitution and legislation and those of the various Warsaw Pact countries, many of the fundamental principles and restrictions are the same. All include the "principle" that the individual rights of the citizen must be balanced against (and subordinated to) the "obligations and responsibilities of society" and in "accordance with the interests of the people and in order to strengthen and develop the socialist system" (as described in the Soviet Constitution and laws). Depending on the country, these restrictions are applied with differing degrees of severity.

Although persecution and arrest of Helsinki (and other human rights) monitors and non-conformists is best-known and most widespread in the Soviet Union, that experience is hardly unique in the countries of the Warsaw Pact.

In Czechoslovakia, human rights activists founded two organizations, Charter 77 and The Committee for the Unjustly Persecuted (VONS), to monitor and promote human rights. Since their founding in 1977 and 1978 respectively, members of both have have been repeatedly prosecuted, harassed, surveilled and, often along with their families, discriminated against in education and employment for attempting "to know and act upon their rights" under the Final Act.

In Czechoslovakia, the 23 Charter, VONS and other human rights activists who are currently imprisoned include former Charter 77 spokesman and VONS member Rudolf Battek, who is serving a prison term of 5-1/2 years (plus 3 years "protective

supervision") for writing letters to representatives of the Socialist International (this was labeled "subversion of the Republic in collusion with a foreign power") and for his involvement with Charter 77 and VONS, and Jiri Wolf, a Charter 77 signatory sentenced to 3 years in prison in 1978 for his Charter 77 activities, rearrested and sentenced to 6 years in 1983 for providing foreigners (the Austrian Embassy in Prague) information concerning prison conditions (labeled "subversion" and "divulging state secrets").

In Poland, hand-in-hand with the persecution of Solidarity has gone repression of other human rights activists. Under martial law, many human rights activists, including KOR activists Jacek Kuron and Adam Michnik, were detained. The original Polish Helsinki Committee was effectively broken up in 1982 by a series of arrests, including that of its founder Zbigniew Romaszewski. Members of its successor group, established in 1983, are forced to remain anonymous in order to avoid arrest. Despite the 1984 general amnesty, many human rights activists, including Kuron and Michnik, recently have been re-arrested for their peaceful human rights activities.

After the murder of Father Jerzy Popieluszko in October 1984, citizens' committees to monitor police behavior were set up in such cities as Wroclaw, Szczecin, Warsaw, and Krakow. The Polish government has warned members of these groups that they face prison terms of six months to five years if they attempt to investigate human rights abuses. The Szczecin Committee was officially banned by the authorities, and two of its members, Edmund Baluka and Jan Kostecki, were indicted in March 1985 for distributing leaflets of "a libelous and slanderous character." The Polish Government's official spokesman publicly warned foreign correspondents that they might face prosecution if they developed contacts with Polish human rights groups.

Mr. Chairman, although Soviet bloc governments have applauded peace movements in the West, they have made efforts to suppress their own independent (unofficial) peace groups. Such groups have criticized Soviet as well as Western armaments. According to these governments, promoting peace is legitimate only if it is through official channels and if it is pro-Soviet.

In the presentation which I have just completed I have sought to lay out, as dispassionately as possible, the concerns of the United States with regard to the severe limitation on freedom of expression imposed in certain East European countries, all signatories of the Helsinki Final Act. When I

say these are the concerns of the United States I am using that phrase advisedly. These are not the concerns merely of the United States Department of State nor of the Executive Branch of our Government. They are the concerns of the American people.

Admittedly, we would express these concerns even if there were no specific understanding under which all of us had committed ourselves to respect human rights. The fact that such commitments were entered into serves only to aggravate the situation. For our people have a right to wonder whether a country that fails to keep its word in matters unrelated to considerations of its security will do so when its security is at stake.

But what good, one will ask, is derived from a recitation of these concerns at a meeting of this kind? Does it not aggravate international tension for us to speak out in the manner in which I have done? Will a presentation of this kind cause the Soviet Union to change its anti-human rights policies and allow its allies to do the same?

In response to questions such as these, Mr. Chairman, let me say that the Government of the United States has made clear to the Government of the Soviet Union our interest in improvement of our bilateral relations, our interest in concluding a genuine arms reduction agreement. But for the reasons already stated we believe that performance in the field of human rights is inextricably linked to all aspects of improved bilateral relations. If we failed to make that point clear at a meeting of this kind we would be sending a false signal. The very purpose of the presentation which I have just made is to emphasize this linkage precisely because we are interested in a relaxation of international tension. It is also because we believe that due attention to the subject of human rights would make a significant contribution to reaching that objective.

Since the beginning of this meeting, Mr. Chairman, we have heard quite a number of times the familiar incantation against nuclear war. We, too, want to prevent nuclear war. We also want to prevent chemical war, biological war and conventional war as well. We want to prevent all forms of war. But agreement on arms reduction will take time. The problems outlined in this statement could be corrected tomorrow morning or, if not then, perhaps at the next session of the Politburo. No better contribution could be made so quickly to the cause of peace.

ANNEX
TO
PLENARY STATEMENT
U.S. AMBASSADOR RICHARD SCHIFTER
ON
FREEDOM OF EXPRESSION
AT
HREM MEETING OF CSCE

May 15, 1985
Ottawa, Canada

information about the Soviet Union is a state secret unless officially approved for release; its intent is to discourage uncontrolled contacts between citizens and foreigners. But the law's definition of "work-related secret" is so loose as to allow the prosecution of virtually anyone for divulging any kind of information acquired in any way whatever.

--Article 77.1 (Actions serving to disorganize the work of corrective labor institutions) was amended to protect camp informers from reprisals by fellow inmates and punish inmates for organized action against the camp administration, whether by hunger strike, signed declarations, or other form of protest.

One week after the CSCE Conference in Madrid adjourned, the Russian Republic (RSFSR) added a new Article 188.3 to its criminal code--"Malicious Disobedience of the Administration of Corrective Labor Institutions"--making repeated infractions of labor camp rules into a criminal offense, punishable by 3 to 5 years of imprisonment. Previously, discipline was maintained by imposing administrative rather than judicial punishment. The new law places inmates at the mercy of camp commanders and simplifies the procedure for keeping in confinement those whom the authorities do not wish to release upon expiration of sentence.

Controls on Contacts with Foreigners

A USSR decree, issued on May 25, 1984, made Soviet citizens liable to fines of up to 100 rubles for violating so-called "rules for stay in the USSR by foreign citizens or stateless persons." The decree is intended to discourage Soviet citizens from inviting foreign guests to stay overnight in their homes without informing authorities in advance, or providing foreigners with other assistance such as the use of a car or help in purchasing train or airline tickets. Its provisions affect a wide range of social and professional contacts involving visiting relatives, long-term foreign residents (business representatives, students, journalists), visiting scholars, and other foreigners. Fines can be imposed administratively by local Ministry of Internal Affairs officials "if...violations do not by their nature entail a criminal charge."

Administrative Measures Aimed at Activists

--In December 1984, the RSFSR Supreme Soviet presidium issued guidance for tightening up enforcement of the law on parasitism (Article 209). Since activists, including those applying to emigrate, often lose their jobs, cannot find new work, and then become vulnerable to charges of parasitism, the new stricter definition of parasitism will undoubtedly be invoked against those who incur official displeasure.

REPRESSIVE NEW SOVIET LEGISLATION

Background

Recent Changes in Soviet criminal and administrative law--most of them published during the brief Andropov era--have further restricted the rights of Soviet citizens, increased penalties for offenses, and tightened state controls. Some of the new provisions opened the door to a revival of Stalinist practices and reflected the increase in KGB power and influence under Andropov.

Increased Criminal Penalties

The January 1984 decree "On Criminal Liability for Crimes against the State" had five principal provisions:

--The definition of Treason (Article 64, RSFSR Criminal Code) was broadened to include acts threatening "state security," a concept so imprecise as to permit treason charges against political offenders;

--The definition of Sabotage (Article 66), a crime rarely invoked after Stalin's death, was updated to include "the mass destruction of people...or any other harm to health;" the change was seemingly aimed at terrorists but could also apply to major environmental polluters;

--Anti-Soviet Agitation and Propaganda (Article 70), an article frequently invoked against activists, received an expanded definition of what constitutes anti-Soviet materials; they now include "the preparation, dissemination, or possession of materials...in written, printed, or other form." Thus, the mere act of writing down thoughts deemed subversive by the authorities, and "possessing" that paper without even showing it to others now becomes an offense punishable by a maximum sentence of 10 years imprisonment plus 5 of internal exile--a truly Orwellian attempt at thought control. Another change in Article 70 treats "material assistance" received abroad by persons charged under the article as an aggravating circumstance and increasing the sentence to the maximum of 10 years imprisonment plus 5 of internal exile.

--A new Article 76.1, added to the RSFSR Criminal Code, expanded the definition of State Secret to include the concept of a "work-related secret." It prohibited the transmittal "to foreign organizations or their representatives" of "economic, scientific-technical, or other information" acquired by a Soviet citizen at his place of work "or in any other way," and made violations punishable by up to 8 years imprisonment. The decree reflects the traditional Soviet attitude that all

--In early April 1985, the USSR Supreme Court issued instructions to law enforcement agencies and lower courts not to release prisoners on parole unless it could be established beyond reasonable doubt that they will not become repeat offenders. This is another example of a measure couched in neutral language and ostensibly intended to strengthen law and order generally, but which is also structured to disqualify political or religious activists from receiving any kind of leniency. Since activities generally act on the basis of moral conviction and are highly motivated, they are often repeat offenders and usually refuse to acknowledge remorse or admit guilt. Such measures reflect a consistent regime policy: no amnesty issued by the Soviet regime has ever applied to those regarded as political or religious offenders.

41 IMPRISONED MEMBERS
OF THE HELSINKI MONITORING GROUPS
IN THE USSR AND LITHUANIA

MOSCOW HELSINKI GROUP

Sentenced

1. Elena Bonner -- sentenced on August 17, 1984 to five years of internal exile for "anti-Soviet slander."
2. Ivan Kovalev -- sentenced on April 2, 1982 to five years of strict regimen camp plus five years internal exile for "anti-Soviet agitation and propaganda."
3. Anatoly Marchenko -- sentenced on September 4, 1981 to ten years of special regimen camp plus five years of internal exile for "anti-Soviet agitation and propaganda."
4. Viktor Nekipelov -- sentenced on June 13, 1980 to seven years in labor camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Sentenced in October 1982 to prison for three years.)
5. Yuri Orlov -- sentenced on May 18, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."
6. Tatiana Osipova -- sentenced on April 2, 1981 to five years general regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."
7. Feliks Serebrov -- sentenced on July 21, 1981 to four years strict regimen camp plus five years exile for "anti-Soviet agitation and propaganda." Also a member of the Psychiatric Working Group. (Sentenced in 1977 to one year in camp).
8. Anatoly Shcharansky -- sentenced on July 14, 1978 to three years in prison and 10 years in strict regimen camp for "anti-Soviet agitation and propaganda" and "treason." (Sentenced in October 1981 to return to prison for three years).

UKRAINIAN HELSINKI GROUP

Sentenced

9. Mykola Horbal -- sentenced on April 10, 1985 to eight years in labor camp plus five years internal exile for "anti-Soviet agitation and propaganda". (Sentenced in 1980 to five years of camp).

10. Iosif Zisels -- sentenced on April 10, 1985 to three years in camp for "anti-Soviet slander." (Sentenced in 1979 to three years camp for "anti-Soviet slander.")

11. Vyacheslav Chornovil -- sentenced on June 6, 1980 to five years in strict regimen camp for attempted rape. (Arrested before completion of previous term of six years camp and three years exile).

12. Olha Heyko -- arrested in March 1983; in camp for "anti-Soviet agitation and propaganda." Sentenced in November 1983 to three years strict regimen camp. (In 1980, he got a three year camp term for "anti-Soviet slander.")

13. Vitaly Kalynychenko -- sentenced on May 18, 1980 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

14. Ivan Kandyba -- sentenced on July 24, 1981 to 10 years special regimen camp plus five years exile for "anti-Soviet agitation and propaganda."

15. Zinovy Krasivsky -- arrested on March 12, 1980 and transferred into labor camp to serve the eight months in camp and five years of internal exile remaining under a 1967 sentence for "anti-Soviet agitation and propaganda" and "treason."

16. Yaroslav Lesiv -- sentenced on November 15, 1981 to five years of strict regimen camp for "possession of narcotics." (In 1980, he got two-year term for "possession of narcotics.")

17. Levko Lukyanenko -- sentenced on July 20, 1978 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

18. Myroslav Marynovych -- sentenced on March 29, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

19. Mykola Matusevych -- sentenced on March 29, 1978 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Sentenced in October 1980 to prison).

20. Oksana Meshko -- sentenced on January 6, 1981 to six months in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

21. Mykola Rudenko -- sentenced on July 1, 1977 to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

22. Petro Sichko -- sentenced in June 1982 to three years in strict regimen camp for "anti-Soviet slander." (In 1979, he got three year term for anti-Soviet slander.)

23. Vasyl Sichko -- sentenced on January 4, 1982 to three years strict regimen camp for "possession of narcotics." (In 1979, he got three year term for "anto-Soviet slander.")

24. Vasyl Striltsiv -- sentenced in October 1981 to six years in camp on unknown charges. (In 1979, he got two year term for "violation of internal passport laws.")

25. Vasyl Stus -- sentenced on October 14, 1980 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

Died in Camp

Oleksy Tykhy -- sentenced on July 1, 1977 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda" and illegal possession of firearms. (Died in camp from malnutrition on May 6, 1984).

Yuri Lytvyn -- sentenced in April 1982 to 10 years of special regimen camp plus five years of exile for "anti-Soviet agitation and propaganda." (In 1979, he got three year term for "resisting a representative of authority.") (Died in camp, probably suicide, in late August 1984).

LITHUANIAN HELSINKI GROUP

Died

Rev. Bronius Laurinavicius -- killed (by truck) on November 24, 1981 in Vilnius. (On November 21, 1981, was subject of accusatory article in Tiesa, official Lithuanian newspaper).

Sentenced

26. Viktoras Petkus -- sentenced on July 13, 1978 to three years in prison, seven years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Pekus also joined the Ukrainian Helsinki Group in 1983).

27. Vytautas Skuodys -- sentenced on December 22, 1980 to seven years strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (U.S. citizen. Also member of the Catholic Committee).

28. Algirdas Statkevicius -- sentenced on August 11, 1980 to forcible psychiatric treatment after being arrested on February 14, 1980, reportedly for "anti-Soviet activities." (U.S. citizen).

GEORGIAN HELSINKI GROUP

Sentenced

29. Merab Kostava -- sentenced on December 15, 1981 to five years in camp for "resisting a representative of authority." (Before completion of previous term of three years camp and two years exile).

30. Valentina Pailodze -- sentenced on May 25, 1983 to eight years strict regimen camp plus three years exile for "giving bribes" and for "giving false testimony." (In 1978, he got a three year term for "anti-Soviet slander.")

ARMENIAN HELSINKI GROUP

Died

Eduard Arutunyan -- died of natural causes in late November or early December 1984. Had been arrested on November 5, 1982 and sentenced to three years strict regime camp for "anti-Soviet slander." (Had served previous three-year term on similar charges from 1979-82).

CHRISTIAN COMMITTEE FOR THE DEFENSE OF BELIEVERS

Sentenced

31. Father Gleb Yakunin -- sentenced on August 20, 1980 to five years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

WORKING COMMISSION ON PSYCHIATRIC ABUSE

Sentenced

32. Anatoly Koryagin -- sentenced on June 5, 1981 to seven years strict regimen camp plus five years of internal exile for "anti-Soviet agitation and propaganda" and for "illegal possession of a firearm." (Transferred to prison July 1982).

Feliks Serebrov -- (See Moscow Helsinki Group).

GROUP FOR THE LEGAL STRUGGLE
OF THE FAITHFUL AND FREE SEVENTH-DAY ADVENTISTS

Sentenced

33. Rostislav Galetsky -- sentenced on March 25, 1981 to five years in camp plus five years in internal exile for "anti-Soviet slander" and violation of laws separating church and state.

CATHOLIC COMMITTEE FOR THE DEFENSE OF BELIEVERS

Sentenced

34. Alfonas Svarinskas -- sentenced on May 6, 1983 to seven years labor camp and three years internal exile for "anti-state activities," "slandering the Soviet state," and "encouraging believers to violate laws and defy authority."

35. Sigitas Tankevicius -- sentenced on December 2, 1983 to six years strict regimen camp and four years exile for "anti-Soviet agitation and propaganda."

Vytautas Skuodys -- (See Lithuanian Group).

MEMBERS SENTENCED BEFORE JOINING

Ukrainian Group

36. Vasyl Ovsienko -- sentenced in August 1981 to 10 years strict regimen camp plus five years exile for "anti-Soviet agitation and propaganda." (In 1979, he got a three year term for "resisting a representative of authority.")

37. Oksana Popovych -- sentenced in 1974 to eight years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Previously served 10 year camp term on political charges).

38. Yuri Shukhevych -- sentenced in September 1972 to five years in prison, five years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Previously served two ten-year camp terms as the son of the Ukrainian Partisan Army Commander).

39. Danylo Shumuk -- sentenced on July 7, 1972 to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Previously served a total of 22 years in camp on political charges).

40. Mart Niklus -- sentenced in January 1981 to 10 years in special regimen camp and five years internal exile for "anti-Soviet agitation and propaganda." Transferred from camp to prison in July 1983. (Niklus, an Estonian human rights activist, joined the Ukrainian Helsinki Group in 1983).

Lithuanian Helsinki Group

41. Balys Gajauskas -- sentenced on April 14, 1978, to 10 years in special regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

SEVEN IMPRISONED SOVIET PEACE ACTIVISTSGroup to Establish Trust

1. Oleg Radzinsky -- was sentenced on October 13, 1983 to one year in labor camp and five years of internal exile on charges of "anti-Soviet agitation and propaganda".
2. Aleksandr Shatravka -- was sentenced in January of this year to an additional two and a half years in labor camp. (He had originally been sentenced to three years in labor camp in 1983 for "anti-Soviet slander".)

Baltic Nuclear-Free Group

3. Arvo Pesti -- was sentenced on December 19, 1983 to five years in labor camp plus two years of internal exile for "anti-Soviet agitation and propaganda".
4. Helki Ahonen -- was sentenced on December 19, 1983 to five years in labor camp plus two years of internal exile for "anti-Soviet agitation and propaganda".
5. Lagle Parek -- was sentenced on December 19, 1983 to six years in labor camp plus three years internal exile for "anti-Soviet agitation and propaganda".
6. Enn Tarto -- was sentenced on April 19, 1984 to ten years in labor camp plus five years internal exile for "anti-Soviet agitation and propaganda".
7. Latvian Ints Calitis -- was sentenced on September 23, 1983 to two years in prison plus four years in a labor camp for "anti-Soviet agitation and propaganda".

ELEVEN IMPRISONED SOVIET SAMIZDAT ACTIVISTS

In violation of the spirit of the Soviet Constitution and in violation of the letter of Helsinki Act Principle VII guarantees, people are imprisoned in the USSR for expressing their opinions in unofficial samizdat publications. At least 11 people were imprisoned during 1984 for involvement in samizdat.

1. Lyudas Dambrauskas -- Lithuanian chemist. Sentenced on October 3, 1984 to five and a half years in labor camp for writing samizdat memoirs about his experiences in Stalin's Gulag while serving a 25 year sentence.

2. Yuri Shikhanovich -- Moscow mathematician. Sentenced in September 1984 to a ten year term for alleged involvement with the samizdat human rights journal, the Chronical of Current Events.

3. Mikhail Meylakh -- Leningrad literary scholar. Received a ten-year term for distributing Western publications of literary works by the distinguished Russian writers Akhmatova, Mandelstam and Nabokov.

4. Feliks Svetov -- Russian Orthodox activist, writer. Arrested on January 23, 1985 for alleged involvement with the Russian Orthodox religious anthology, Hope.

5. Sergei Grigoryants -- Armenian. Sentenced in October 1983 to seven years in labor camp plus three years exile for involvement with samizdat journals in Moscow.

6. David and Levan Berdzenishvili -- Two Georgian activists (brothers). Tried in 1984 and sentenced to labor camp terms on charges of anti-Soviet agitation and propaganda for involvement with the Georgian samizdat journal, The Bell Tower.

7. Elena Sannikova -- Young Russian Orthodox activist. Sentenced on October 9, 1984 to one year in prison plus five years internal exile on charges of anti-Soviet agitation and propaganda for involvement with samizdat.

8. L. Belyaev, A. Glukhov and A. Galkin -- In February 1985, three men were tried in Baku Azerbaijan for printing Muslim religious materials in Arabic; the three were given labor camp terms ranging from four to seven years.

SIX RECENT VICTIMS OF SOVIET

PSYCHIATRIC ABUSE

In April 1983, the Soviet Union withdrew from the World Psychiatric Association to avoid an expected censure motion in July. Some hoped that this move signalled increased Soviet sensitivity to criticism of their abuse of psychiatry for political purposes. Soviet actions in 1984, however, soon proved these hopes to be unfounded.

Among the Soviet human rights activists subjected to psychiatric abuse in 1984 are:

1. Nizametdin Akhmetov -- Bashkir poet, imprisoned since 1969, sent to the Alma Ata special psychiatric hospital in June.
2. Garnik Tsarukyan -- Armenian human rights activist. An Armenian Apostolic Church deacon, sent to a psychiatric hospital in February for criticism of church authorities.
3. Oleg Okhapkin -- Leningrad samizdat writer. Hospitalized in late August.
4. Sandra Riga -- Latvian Catholic. Editor of a samizdat ecumenical journal Summons, tried in August and sent for forcible psychiatric treatment.
5. Yuri Popov -- Moscow youth peace activist, member of the "Good Will Group" placed in psychiatric hospital this year.
6. Viktor Tsurikov -- Russian worker, held in psychiatric hospital in Krasnoyarsk for the month of April for refusing to vote.

23 IMPRISONED CZECHOSLOVAK
HUMAN RIGHTS ACTIVISTS

1. BASTA, Oldrich, born 9/29/58; sentenced 2/12/84 to 15 months imprisonment under para 202 of the Czechoslovak Penal Code (hooliganism) and under para 156/a and 156/2 "obstructing official activity" and "bringing disgrace to race and nation". Arrested during a concert of "unofficial" music.
2. BATTEK, Rudolf, born 11/2/24; former member of Parliament; independent socialist; former Charter 77 spokesman and member of VONS. Sentenced July 28, 1981 to 7 1/2 years imprisonment in the second prison category and to 3 years of "protective supervision". On October 8, 1981 sentence reduced to 5 1/2 years imprisonment. Served under para 98/1, 2, a, b of the Czechoslovak Penal Code (subversion of the Republic in collusion with a foreign power) for writing letters to representatives of the Socialist International and for his involvement with Charter 77 and VONS. In Ostrava prison, seriously ill.
3. DOBNER, Antonin, born 7/4/50; sentenced October 3, 1983 to 2 years imprisonment under para 112 of the Czechoslovak Penal Code (harming the interests of the Republic abroad) which was based on Dobner's private correspondence with friends abroad; under para 103 (belittling the dignity of the President of the Republic) which was based on his telephone conversations. In Plzen-Bory prison.
4. HANZLICEK, Frantisek, born 10/30/49; sentenced January 11, 1984 to 10 months imprisonment under para 174/1 of the Czechoslovak Penal Code (false accusation) accusing police interrogators of using physical force and psychological pressure while interrogating another case.
5. HAUPTMAN, Petr, born 8/7/46; construction engineer; lived in Germany, hoping that his family will be able to join him. Upon the request of his wife returned to Czechoslovakia, having been assured that no charges will be brought against him. Arrested Sept. 12, 1983, sentenced Febr. 9, 1984 to 10 years imprisonment in the second prison category, under para 109/1 of the Czechoslovak Penal Code (illegal departure from the Republic) and para 105/1 (espionage).
6. HONISEK, Emil, born 3/8/64; worker; detained 9/17/83 during a concert of unofficial music; sentenced on Febr. 17, 1984 to 8 months imprisonment under para 202/1 of the Czechoslovak Penal Code (hooliganism) and para 156/a and 156/1, a, b (obstructing official activity of a public official).
7. CERNEL, Elmer, born 11/25/41; detained on Jan. 9, 1978, sentenced the same year to seven years of imprisonment under para 98/1, 2b (subversion of the Republic on a large scale) for preparing and distributing leaflets critical of the conditions in the CSSR; later tried also under para 154/2 of the Czechoslovak Penal Code (offending the Court) and under para 112 (harming the interests of the Republic abroad); these two charges were later dropped. Served his sentence in several prisons, also in Mirov (strictest conditions).

8. JIROUS, Ivan, born 9/23/44; Charter 77 signatory, member of VONS; persecuted for many years; arrested on Nov. 10, 1981 under para 202/2 (hooliganism) for his participation in the publishing and distribution of the "samizdat" cultural magazine VOKNO (Window). Sentenced on July 9, 1982 to 3 1/2 years of imprisonment in the third prison category and to 3 years of "protective supervision". Serving his sentence in Waldice prison.
9. JAVORSKY, Jaroslav, age 37; emigrated to West Germany with his family, later returned to Czechoslovakia for his fiancée; emigration was refused and he and his fiancée left Czechoslovakia illegally. Caught at the Bulgarian-Turkish border. Extradited to Prague in 1977. Charged under para 109/3 of the Czechoslovak Penal Code (organising illegal departure from CSSR) and under para 105 (espionage) and sentenced to 13 years imprisonment. Serving his sentence in Waldice prison.
10. KANIA (Kana) Walter, born in 1940; Charter 77 signatory. While serving a 2 year sentence in Mirov prison, Kania was sentenced again on March 22 and March 26, 1981 to 2 years additional imprisonment under para 112 of the Czechoslovak Penal Code (harming the interests of the Republic abroad) for writing a personal letter to another Charter 77 signatory, who lives in Austria. On February 17, 1983 Kania was sentenced to additional 15 months under para 171/1c (attempting to obstruct implementation of official decision). On May 16, 1983, the sentence was increased to 2 years under para 112 for writing letters to members of family who live abroad. In view of all the charges, Kania may be imprisoned until 1988.
11. KOLAR, Standaev, born 11/15/55; Arrested March 13, 1975, sentenced in April, 1976 to 13 years imprisonment and 3 years "protective supervision" under para 105 of the Czechoslovak Penal Code, (espionage) for talking with others about military personnel in local barracks. The information was public knowledge. Serving his sentence in Waldice prison.
12. KOZANEK, Petr, engineer; in detention since Sept. 24, 1984 under para 112 of the Czechoslovak Penal Code (harming the interest of the Republic abroad) for having in his possession poems by Ivan Ketrle, which he wanted to take with him while going on a visit to Austria. In Brno-Bokurde prison.
13. KUNRT, Antonin, born 6/12/47; arrested May 21, 1975, sentenced in April, 1976 to 10 years imprisonment and 3 years "protective supervision" under para 105 of the Czechoslovak Penal Code (espionage), for talking with others about military personnel in local barracks. The information was public knowledge.
14. MATOUSEK, Rene, born 7/13/57; Charter 77 signatory. Detained Febr. 24, 1983, sentenced August 3, 1983 to 18 months imprisonment under para 100/1 of the Czechoslovak Penal Code (incitement) for preparing and distributing a leaflet entitled "Conscience - for Czechoslovak Freedom". Charged also under para 112 (harming the interests of the Republic abroad) for sending a letter to the Central Council of Unions (URO), copy of which was sent abroad. In Pilsen-Bory prison.

15. ROVI, Miroslav, born 9/27/29; Charter 77 signatory. Sentenced Febr. 27, 1984 to 15 months imprisonment under para 112 of the Czechoslovak Penal Code (harming the interests of the Republic abroad) and under para 140/1 (damaging the foreign exchange program). Applied for emigration and attempted to send some of his own money abroad to be used after he emigrated.
16. SEVEK, Ladislav, born 7/15/39, worker; in 1976 sentenced to 9 years imprisonment in the second prison category for preparing an illegal departure from the Republic (para 7/1 to para 109/1 of the Czechoslovak Penal Code) and for alleged attempt to transport an air vehicle across the border. The indictment was based on some talk overheard in a restaurant.
17. SIBR, Zdenek, born 1/24/57; sentenced August 17, 1984 to one year imprisonment under para 202/1 of the Czechoslovak Penal Code (hooliganism) and under para 156/a and 156/2 for obstructing official activity of an official, during a concert of non-conformist music on September 17, 1983.
18. URBANEK, Stanislav, born 5/27/65; sentenced August 17, 1984 to 10 months imprisonment under para 202/1 of the Czechoslovak Penal Code (hooliganism) and under para 156/a and 156/2 for obstructing official activity of an official, during a concert of non-conformist music on September 17, 1983.
19. VOJACEK, Petr, born 2/8/61; sentenced August 17, 1984 to one year imprisonment under para 202/1 of the Czechoslovak Penal Code (hooliganism) and under para 156/a and 156/2 for obstructing official activity of an official, during a concert of non-conformist music on September 17, 1983.
20. VERNALEK, Milan, born 5/23/61; worker. In 1980 imprisoned in Pisek-Bory prison under para 109/1 of the Czechoslovak Penal Code (attempting to leave the Republic illegally). On June 3, 1981 sentenced under para 101/1, a and c (incitement) and para 112 (harming the interest of the Republic abroad) for pasting leaflets on walls near a railway station in Letohrad and corresponding with foreign broadcasting stations, to additional 25 months imprisonment; and on February 3, 1982 sentenced under para 174/1 (false accusation) and para 175/1 (false testimony) to additional 18 months imprisonment in the second prison category, for allegedly falsely accusing an interrogator and for giving alleged false testimony in the case of Jiri Gruntored. Imprisoned in Munkovice prison.
21. WOLF, Jiri, born 1/5/52; worker; Charter 77 signatory. Detained Febr. 16, 1978 and sentenced to 3 years imprisonment in the second prison category for alleged subversion (para 98/1 of the Czechoslovak Penal Code). Later transferred to a third category prison and sentence extended for another 6 months for alleged false accusation (para 174/1 of the Czechoslovak Penal Code). Released on August 23, 1981. Detained May 17, 1983 under para 98/1 (subversion) and para 173/3 (divulging state secrets) for giving the Austrian Embassy in Prague information about prison conditions in Munkovice prison. Tried in October, 1983, sentenced December 21, 1983 to 6 years imprisonment in the third prison category and to 3 years "protective supervision". Imprisoned in Valdice prison.

22. WONEA, Pavel, born 1/23/53; mechanic. Sentenced January 19, 1984 to 14 months imprisonment for allegedly stealing property in socialist ownership and under para 129/1 for allegedly disrupting the duties and operations of a business and for misdemeanour under para 3/2 of Public Law 150/69/Sb. Started to serve his sentence in Fisen-Bory prison on July 4, 1984.
23. WUNSCH, Jan, born 1/29/57, worker, Charter 77 signatory. Detained January 12, 1982 under para 100/1 (incitement) of the Czechoslovak Penal Code, for distributing leaflets calling on citizens of Czechoslovakia to show solidarity with Polish workers. The indictment was later reclassified under para 98/1 (subversion). Wunsch was accused of having contacts with "subversive elements in Poland". Sentenced December 17, 1982 to 3 1/2 years imprisonment and 2 years of "protective supervision". Imprisoned in Fisen-Bory prison.

THIRTY FIVE SENTENCED POLITICAL
PRISONERS IN POLAND

1. Adamkiewicz, Marek
Wroclaw, co-founder of the Student Solidarity Committee in Wroclaw in 1977, formerly interned at Strzebielinek and Wierzchowno Internment Centers.

Sentenced by Military Tribunal on December 8, 1984 to 2½ years' imprisonment for refusing to take the military oath of the army of the Polish People's Republic. The court referred to the case of Mirosław Zablocki (of October 1984) in justification of its verdict. He was sentenced despite the fact that his superiors testified that he was a disciplined soldier. He refused to take the oath because it pledges Polish soldiers to fight in defense of the allies of the Polish People's Republic.

Source: Tygodnik Mazowsze, issue no. 113, January 14, 1985.

2. Bulicz, Roman
Szczecin
Arrested on August 30, 1984 and sentenced to 8 months' imprisonment by Misdemeanor Court on September 5, under summary procedures. He was charged with Ryszard Kalinowski for violating Article 237 of the Penal Code, "participating in a street disturbance and shouting slogans derogatory to state organs." He was also obligated to donate 10,000 zlotys to the P.K.P.S. [Polish Social Assistance Committee]. He is being held in Nowogard prison.
See: Ryszard Kalinowski.

3. Burchardt, Zygmunt
Miner from the Lubin Copper Mine.

Sentenced to 5 years' imprisonment on November 21, 1983 by military tribunal for allegedly preparing explosives for use against state property. He was sentenced along with 9 other miners to terms of 1½ to 5½ years. According to court testimony as reported in the underground paper "Solidarnosc Walczaca" from Wroclaw, the defendants were tortured during interrogations and forced to plead guilty. The defendants admitted to possession of explosives, claiming that the use of them was intended to mark the murders of three co-workers and friends murdered by ZOMO police on August 31, 1982 during a violent attack on peaceful demonstrators. The defendants also argued that any use of the explosives was not intended against any life and only intended to prevent further murderous attacks by police. Three others were given 1½ years' imprisonment, sentence suspended for 4 years' probation. Three others are presently still imprisoned.

See also: Zbigniew Korczowski, Marek Miekus, Mirosław Młodecki, Stanisław Zabielski.

4. Czechlacz, Robert
Grodzisk Mazowiecki, 20 years old, student at Swierczewski Technical School.

Sentenced to 25 years' imprisonment in 1982.

He was arrested on March 4, 1982, along with Tomasz Lupanow for allegedly causing the death of a police functionary Sergeant Karos. Two others, Stanislaw Matejczuk and Father Sylwester Zych were arrested and charged with complicity and aiding in the concealment of an illegal weapon and participation in an illegal association. The two students, Czechlacz and Lupanow, were travelling on a streetcar when they confronted Sergeant Karos with a gun and demanded his own; Sergeant Karos was shot accidentally in trying to disarm Czechlacz. Karos died six days later in the hospital inexplicably. He had taped a conversation before his death stating that he was recovering from the non-fatal injury. The recording was admitted as evidence in court but ignored.

The two students, and the two charged with complicity were engaged in activities to defend interned prisoners at the Bialoleka internment center and according to defense attorney Wladyslaw Sila-Nowicki, the court imposed the harshest penalties in the case despite the fact that the gunshot wound was not proven to be severe enough to cause death, and despite the accidental character of the death because the individuals were involved in an association to defend political prisoners.

See: Tomasz Lupanow, Stanislaw Matejczuk, and Father Sylwester Zych.

Source: Praworzadnosc, issue no. 3, August, 1984, et. al.

5. Furmanski, Aleksander
Gostynin (outside Gdansk), 36 years old, employed at the Gdansk Shipyard Repair Enterprise.

Arrested in November 1982.

Sentenced by the Naval Military Court to 3 years' imprisonment for "instigating by use of threats another person to commit an offense" (Article 166); "publicly insulting, scoffing at, or degrading the Polish Nation, Polish People's Republic, its system or supreme organs" (Article 270); and "publicly advocating the disobedience or resistance of a law or the lawful order of a state organ" (Article 282).

He was not released by the amnesty.

Source: Wiadomosci, no. 37, December 16, 1984

6. Grajczuk, Andrzej
Szczecin, 31 years old, employed at the Famabud Zremb enterprise.
Arrested on May 1, 1984.

Sentenced to 1 year's imprisonment for violating Article 237 of the Penal Code ("insulting a state organ or a political organization, trade union, association of higher public utility or other social organization of nationwide importance at a place of its activity or in public").
Presently held at Braniewo Prison.

7. Glebocki, Maciej

Sentenced to 3 1/2 years' imprisonment for refusing to fulfill his military service. He is from Kielce.

He refused as a conscientious objector on the grounds that he would not serve in an army that "had started a war with its own nation." The amnesty does not apply to his case and he is not granted the status of political prisoner. He is held in Hrubieszow prison, which is on the eastern border with the Soviet Union in the Zamosc Region.

8. Gulek, Wacław
Gdansk, Shipyard worker.

Arrested on December 16, 1984.

Sentenced to 3 months' imprisonment by Misdemeanor court under summary procedures, along with Andrzej Gwiazda and Maciej Naskracki. They had participated in a march led by Lech Walesa held in honor of shipyard workers killed in December 1970 and miners killed in December 1981.

9. Gwiazda, Andrzej
Gdansk

Member of Solidarity's National Commission and the Regional Commission of Solidarity for the Gdansk Region. Detained on December 12, 1981 and placed under investigative arrest in September 1982 along with six other members of Solidarity's National Commission on charges of "preparing to overthrow by force the political system of the Polish People's Republic, weaken its defense, and its alliances" for his activities in Solidarity during its period of legal existence. Conditionally released in August 1984 under the Amnesty Act of July 1984. Rearrested in December and sentenced to a total of 5 months' imprisonment.

Mr. Gwiazda was rearrested on December 16 and sentenced to 3 months imprisonment by Misdemeanor Court for participating in a peaceful gathering on that day to mark the deaths of workers in December 1970. On February 14, he was sentenced in absentia to an additional 2 months' imprisonment by a Misdemeanor Court in Jastrzebie, in Upper Silesia, where he was detained on December 7 for participating in a commemoration ceremony on the day of the patron saint of miners. The additional sentence was imposed for failing to produce identity papers, displaying the logo of Solidarnosc on his briefcase, and for allegedly shouting provocative slogans (he had shouted out his telephone number to other participants).

10. Kalinowski, Ryszard
Szczecin

Arrested on August 30, 1984 and sentenced to 8 months' imprisonment by Misdemeanor Court on September 5, under summary procedures. He was charged with Roman Bulicz for violating Article 237 of the Penal Code, "participating in a street disturbance and shouting slogans derogatory to state organs." He was also obligated to donate 10,000 zlotys to the P.K.P.S. [Polish Social Assistance Committee]. He is being held in Nowogard prison.

See: Roman Bulicz

11. Karpinski, Andrzej
Warsaw, driver
Arrested on August 29, 1984, along with Stanislaw Kotowski (see below) and charged with aiding Kotowski in the transportation of printing equipment and in other activities.
Sentenced to 1½ years' imprisonment by military tribunal on February 1, 1985.
12. Korczowski, Zbigniew
Lubin, 36 years old, copper miner.
Arrested on February 22, 1983.
Sentenced to 4½ years' imprisonment, by military tribunal, along with 9 others from the Lubin Copper Mine for possession of explosives and preparing to blow up "social property of considerable value."
Three others are presently still imprisoned.
See: Zygmunt Burchardt, Miroslaw Mlodecki, Stanislaw Zabielski.
13. Kotowski, Stanislaw
Warsaw, 32 years old, employee of the Industrial Construction Enterprise.

Arrested on August 29, 1984, along with Andrzej Karpinski; he was stopped on the road from Gdansk to Warsaw and was alleged to have been transporting printing equipment.
Sentenced to 2½ years' imprisonment by military tribunal on February 1, 1985 for the transportation of underground publications, possession of printing equipment, and for belonging to an illegal political party, the "Independence" Liberal Democratic Party.
See also: Andrzej Karpinski.
14. Kupczyk, Ryszard
Knurów, 38 years old, worker at the Knurów Coking Plant.

Arrested on April 5, 1983 and sentenced to five years' imprisonment. Sentenced for having contributed money to underground Solidarity earned through the sale of pigs and property of Solidarity members at his factory in 1981. He was the Chairman of the Knurów Coking Plant's Solidarity Factory Commission. He was sentenced under an offense defined by Article 201 of the Penal Code ("usurping social property of considerable value.")
15. Lipka, Czeslaw
Zory, 36 years old, coal miner.
He was arrested on November 3, 1982 and sentenced to 4½ years imprisonment. The sentence was reduced to three years on the basis of the Amnesty Act of July 1983. Sentenced by Military Tribunal with two others for the same charge.
He was sentenced on charges for allegedly blowing up a Soviet emblem of a hammer and sickle in Zory and preparing to blow up a statue of a Red Army tank in Wodzislaw Slaski.
Along with other political prisoners at Strzelin prison, he has frequently undertaken hunger strikes to protest cruel and inhuman treatment. The most recent hunger strike was begun on Christmas Eve, 1984, to protest incidents of beatings, incarceration in isolation cells, and the confiscation of Christmas gifts and food. See also: Andrzej Pokorski and Leszek Zubik.

16. Lupanow, Tomasz

Grodzisk Mazowiecki, 21 years old, student at the technological college in Zyrardow.

Arrested on March 4, 1982, and sentenced to 13 years imprisonment for taking part in the alleged fatal shooting of Sergeant Karos along with Robert Chechlac.

See: Robert Chechlac

17. Matejczuk, Stanislaw

26 years old, student at the Catholic University of Lublin.

Arrested on March 5, 1982 and sentenced to 6 years imprisonment for complicity in the alleged murder of Sergeant Karos. The murder was considered a conspiracy of the independent association formed to defend political prisoners at the Bialoleka Internment Center; Matejczuk was charged with forming the group.

See: Robert Chechlac.

18. Matuszewski, Henryk

Skokow near Jarocin

Sentenced to 4 years' imprisonment for violating Article 47 of the Decree of Martial Law. The last known place of incarceration was the Wroclaw-Kleczkowska prison. Not released by the amnesty.

[Source: Wiadomosci, no. 37, December 16, 1984.]

19. Miekus, Marek

Lubin

ul. Szkolna 2/7

Copper miner.

Sentenced to 3 1/2 years' imprisonment, reduced to 2 years by the amnesty.

He was sentenced with nine other copper miners, four of whom are presently still imprisoned, on charges of possession of explosives, and preparing to use the explosives. The defendants were coerced during interrogations to confess guilt.

See: Zygmunt Burchardt, Zbigniew Korczowski, Stanislaw Zabielski, Miroslaw Mlodecki.

20. Mlodecki, Miroslaw

ul. Szkolna 19/7

Lubin

30 years old, copper miner.

Arrested on February 25, 1983.

Sentenced to 3 1/2 years' imprisonment; sentenced reduced to two years by the Amnesty Act of July 1984. He is presently held at Leczyca prison.

He was sentenced with nine other copper miners, four of whom are presently still imprisoned, on charges of possession of explosives, and preparing to use the explosives. The defendants were coerced during interrogations to confess guilt.

See: Zygmunt Burchardt, Zbigniew Korczowski, Marek Miekus, Stanislaw Zabielski.

21. Naskrecki, Maciej
Gdansk, Docker.

Arrested on December 16, 1984.

Sentenced to 3 months' imprisonment by Misdemeanor court under summary procedures, along with Andrzej Gwiazda and Wacław Gulek. They had participated in a march led by Lech Wałęsa held in honor of shipyard workers killed in December 1970 and miners killed in December 1981.

22. Olszewski, Krzysztof
Koniecwald-Gosciszewo

Sentenced to 3 1/2 years' imprisonment for offenses connected with military service {conscientious objection or refusal to take the military oath, which pledges Polish soldiers to fight in defense of the allies of the Polish People's Republic}.

Last known place of incarceration is Braniewo Prison.

23. Opozda, Piotr

Lublin, a student at the Catholic University of Lublin.

Sentenced on May 5, 1982 to three years' imprisonment on charges of participating in the transfer of firearms, an offense defined by Article 286 of the Penal Code. He was sentenced despite the fact that the main witness withdrew his testimony and the court itself questioned the existence of the weapons allegedly transferred in a separate trial, which found A. Olszewski, innocent of the charge of possessing the firearms allegedly transferred to him by Opozda. Opozda was released temporarily from prison for health reasons after suffering a stroke. He subsequently went into hiding until August 1984. He was again detained and reincarcerated on August 17, 1984. On August 23, 1984 he began a hunger strike to protest his continued imprisonment due to his poor state of health.

24. Piechocka, Teresa
Plock

Arrested on December 2, 1984. Held under investigative arrest on charges of "distributing independent publications" from Warsaw.

Sentenced to 1 year's imprisonment, sentence suspended on February 14, 1985. Previously arrested in 1984 for participating in the publication of Wolny Strzelec and released under the terms of the amnesty. She has been denied employment.

25. Pinior, Jozef

Treasurer of the Wrocław Region of Solidarity, who succeeded Władysław Frasyniuk and Piotr Bednarz as chairman of the underground Regional Commission after their arrests in late 1982 and member of Solidarity's Temporary Coordinating Commission. Arrested in September 1983, he was sentenced to 4 years' imprisonment and released in August 1984 under the Amnesty Act of July 22, 1984.

Continued

26. Pinior, Jozef (Cont.)

Rearrested on August 31, 1984 and sentenced to two months' imprisonment, along with Wladyslaw Frasyniuk, by Misdemeanor Court under summary procedures. They were sentenced for participating in a peaceful assembly. Released in November 1984. Recently ordered by a civil court to return 80,000,000 zlotys to the government plenipotentiary in charge of appropriating Solidarity funds and assets. He faces incarceration if he does not return the money.

27. Pokorski, Andrzej
Wodzislaw Slaski, 34 years old, a worker at the P.W.P. "Podryn" factory.

He was arrested on November 23, 1982 and sentenced to 3½ years imprisonment. The sentence was reduced by the amnesty to 2½ years. Sentenced by Military Tribunal.

He was sentenced on charges for allegedly blowing up a Soviet emblem of a hammer and sickle in Zory and preparing to blow up a statue of a Red Army tank in Wodzislaw Slaski. Along with other political prisoners at Strzelin prison, he has frequently undertaken hunger strikes to protest cruel and inhuman treatment.
See also: Czeslaw Lipka and Leszek Zubik.

28. Sarabura, Jan
Szczecin, locksmith at the Famabud enterprise.

Arrested on May 1, 1984.
Sentenced to 1 year's imprisonment for "insulting a state organ or a political organization, a trade union, an association of higher public utility or other social organization of nationwide importance, at a place of its activity or in public" (Article 237 of the Penal Code).
Presently held at Braniewo prison.

29. Smigiel, Stanislaw
Torun, electronics technician.

Detained on November 4 1984 and placed under investigative arrest on charges of possession of an unregistered radio transmitter and organizing Radio Solidarity in Torun.
Sentenced on December 12, 1984 to 1½ years' imprisonment, sentence suspended for 2 years' probation.
Smigiel is the principal witness to several kidnappings of Torun Solidarity activists by secret police functionaries.

30. Sreniowski, Jozef
Lodz, 38 years old, sociologist. Member of KSS-KOR (Committee for Social Self-Defense-Committee for the Defense of Workers). Former editor of the independent publication Robotnik (Worker). Interned on December 13, 1981, he escaped while hospitalized on August 14, 1982 and had been underground until his rearrest.

Arrested on October 24, 1984, he was sentenced on February 12, 1984 to 2 years' imprisonment for "distributing printed matter slandering the Polish state and its authorities." He is ill and in danger of losing his sight.

31. Zabielski, Stanislaw
Lubin, 38 years old, copper miner.
Arrested January 18, 1983.

Sentenced to 5½ years' imprisonment by military tribunal, along with 9 others from the Lubin Copper Mine, three of whom are still presently imprisoned. Sentenced reduced to 2½ years under the Amnesty Act of July 1984. He was sentenced on charges of possession of explosives and conspiring to use the explosives. Confessions were extracted through coercion.

See: Zygmunt Burchardt, Marek Miekus, Mirosław Młodecki, Zbigniew Korczowski

32. Zablocki, Mirosław
Graduate in mathematics from Warsaw University.

Sentenced to 1½ years imprisonment in October 1984, sentence suspended for two years probation for having refused to take the oath of military service. The court stated that taking the oath is obligatory, and refusal to do so constitutes a crime, which can be compounded upon repeated refusals to do so by a soldier. Zablocki refused two times; thus he is serving consecutive suspended sentences and will continue to be obligated to take the military oath. Zablocki has refused to take the oath because the oath obligates soldiers to fight in defense of the allies of the Polish People's Republic. He has not, however, refused to fulfill his military service.

Source: Wola, issue no. 36(119), October 29, 1984

33. Zaczek, Andrzej
Warsaw, 35 years old, offset machinist at the Research and Projects Bureau of the Warsaw Steelworks.
Arrested on September 1, 1983 and sentenced in June 1984 to 2½ years imprisonment.
He was sentenced on charges defined by Article 223, paragraph 1 of the Penal Code for [allegedly] using printing equipment "belonging to a socialized enterprise at which he worked with the purpose of obtaining material benefit."

34. Zubik, Leszek
Wodzislaw Slaski, 25 years old, worker at the "Radlin" plant in Wodzislaw.

Arrested on October 25, 1982 and sentenced to 3 1/2 years imprisonment. The sentence was reduced by the amnesty to three years. Sentenced by Military Tribunal.

He was sentenced on charges for allegedly blowing up a Soviet emblem of a hammer and sickle in Zory and preparing to blow up a statue of a Red Army tank in Wodzislaw Slaski.

Along with other political prisoners at Strzelin prison, he has frequently undertaken hunger strikes to protest cruel and inhuman treatment. The most recent hunger strike was begun on Christmas Eve, 1984, to protest incidents of beatings, incarceration in isolation cells, and the confiscation of Christmas gifts and food.

See also: Czeslaw Lipka and Andrzej Pokorski.

35. Zych, Father Sylwester
Priest from Grodzisk Mazowiecki, 34 years old.
He was sentenced to 4 years imprisonment for allegedly hiding a weapon used in the murder of Sergeant Karos and specifically withholding information while performing his confessional duties at the Grodzisk parish. His sentence was increased to 6 years by order of the Supreme Court.
See: Robert Chechlacz and Stanislaw Matejczuk.

FIFTY FOUR POLISH POLITICAL PRISONERS
ARRESTED AND AWAITING TRIAL

1. Bakowski, Krzysztof
Vice-chairman of the Solidarity Factory Commission of the Perun Factory in Warsaw.

Arrested on October 3, 1984 and falsely charged with the rape of a twelve-year old girl from Brodno. Awaiting trial.

In 1982 he served nine months in prison under false charges of having raped a minor. Released in 1983, in July 1984 he received information that his case had been dropped due to the amnesty. He was again arrested on October 3, 1984 at the entrance of the enterprise where he worked; his locker was searched and a copy of Wola was seized as well as an "N" [Independence] pin. His apartment and car were searched but nothing was found in them. He has now again been charged with rape.

Source: Wola, issue no. 36 (119), October 29, 1984

2. Cwiklak, Andrzej
Wroclaw, 33 years old, engineer at the Geological Institute.

Arrested on September 6, 1984 and charged with "actively assaulting a functionary of the police." Awaiting trial.
See: Dominik Szymanski.

3. Czuma, Wojciech
Lublin
Nineteen-year old student at the Lublin Automotive Trade School.

Arrested in Lublin on October 30, 1984. The police had previously conducted an 11-hour long search of his apartment on suspicion that he possessed stolen equipment from the Polish Radio-Television Office. No equipment was found, however independent publications were found and seized. Czuma was subsequently placed under investigative arrest on charges of aiding and abetting in the theft, although no equipment has been found. Awaiting trial.

4. Delimata, Franciszek
Lubin, 26 years old.

Detained on August 31, 1984 and placed under investigative arrest on charges of "profaning" a flag or emblem of the Polish People's Republic. (Article 284, para. 1 of the Penal Code.) Awaiting trial.
See: Sylwester Dorabiala.

5. Dorabiala, Sylwester
Lublin

Detained on August 31, 1984, along with Franciszek Delimata. Held under investigative arrest on charges of "profaning" a flag or emblem of the Polish People's Republic. Awaiting trial.
See: Franciszek Delimata.

6. Dura, Wacław
Wrocław, 46 years old, married with two sons (11 and 13 years old)
Previously interned without charges from October - December 13, 1982.

Arrested together with Jozef Palczynski on December 11, 1984.
Held under investigative arrest awaiting trial on charges of participating in the production and dissemination of illegal publications, under Article 45 of the Press Law and Article 282a, para. 1 of the Polish Penal Code, with a penalty subject to three years' imprisonment.
See: Jozef Palczynski.
7. Feliks, Henryk
Wrocław
Second year student of Polish philology at Wrocław University.
Arrested with another student in December 1984. Charge unknown.
See: Stanisław Sauc
8. Frasyniuk, Władysław
Chairman of the Wrocław Region of Solidarity. Arrested in October 1984 and sentenced to a total of six years' imprisonment for "continuing union activities" following the imposition of martial law.
Released in August 1984 under the Amnesty Act of July 22, 1984.

Rearrested on August 31, 1984 and sentenced to two months' imprisonment, along with Jozef Pinior, by Misdemeanor Court under summary procedures.
Released in November 1984.

Rearrested on February 13, 1985 while participating in a meeting with Lech Walesa and other members and advisors of the National Commission of Solidarity. He faces charges of preparing an illegal strike called for February 28, 1985.
See also: Bogdan Lis and Adam Michnik.
9. Gos, Krzysztof
Warsaw, 30 years old, building technician.

Detained on November 23, 1984 and placed under investigative arrest on charges of possessing printing equipment and independent publications.
Awaiting trial.
10. Hadysz, Adam
Gdansk, police functionary of the Gdansk Voivodship Office of Internal Affairs.
Arrested on October 23, 1984 and charged with "participating in an illegal association with criminal intent" and "revealing state secrets," presumably for activities involved with Solidarity.
See: Piotr Siedlinski.
Source: Tygodnik Mazowsze, no. 109, December 8, 1984.
11. Iwanejko, Pitor
Krakow, 21 years old.
Arrested May 1984 in Krakow. Presently held under investigative arrest at the Montelupi St. Investigative Detention Center on charges of "insulting a government functionary."

12. Kisielinski, Andrzej
 Sosnowiec-Zagorze, 30 years old, worker at the Katowice Steelworks.

Arrested on December 7, 1983 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property of significant social value. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.

The six employees of the Katowice Steelworks, according to Tygodnik Mazowsze printed in Warsaw, are being so-charged for having hidden, during December 1981, printing machines that belonged to the local structure of Solidarity and for subsequently having given the machines to underground Solidarity groups. Following the imposition of martial law, property and assets of N.S.Z.Z. Solidarnosc -- at the local, regional, and national levels -- as well as the property belonging to all other trade unions, was placed under the authority of a government administrator. Subsequently, with the passage of the Trade Union Law of October 8, 1982, the government plenipotentiary was to oversee the transfer of all property and assets belonging to previous trade unions to the new, government-sanctioned trade unions as they became registered. Thus, the alleged hiding of the printing machine during December 1981 is now considered to be theft of socially- or state-owned property and prosecuted as such. The six are being tried on the basis of confessions exacted under duress and on the testimony of someone who overheard conversations among them. No printing machine, however, has been found by the authorities.

See also: Leslaw Lorek, Michal Luty, Jerzy Milanowicz, Andrzej Niewara, and Andrzej Stolarczyk.

13. Konik, Krystian
 Katowice

Solidarity chairman at the COiG enterprise in Katowice. He has been under investigative arrest and has stood trial twice on the same charges. There follows an account of his case:

"Charged with "appropriation of social property of considerable value", he faces a possible sentence of five to fifteen years of imprisonment. In 1982 Konik handled the enterprise strike fund intended to help those who had been dismissed from their jobs. Interned in April 1982, he was taken directly from prison isolation in November and arrested under the charge of organizing a strike in COiG after December 13, 1982. He was freed without trial in March, 1983 only to be rearrested in April, 1983 and charged with embezzling union property. In light of a series of statements made by witnesses who all stated that Konik properly handled union funds, the Katowice District Court acquitted him of the charge on October 10, 1983. The Supreme Court, however, demanded that the case be reopened. The prosecutor handling the case is again Ksiązek; however, the composition of the prosecuting team assisting in the trial proceedings has changed, with attorney Sobolewska-Micek heading it. Final testimony from both sides is set for November 14, 1984."

Source: Tygodnik Mazowsze, issue no. 106, November 15, 1984

14. Kopczynski, Ryszard
Arrested prior to the Amnesty Act of July 22, 1984 and, according to the Helsinki Committee in Poland is presently charged with "appropriating socially-owned property of significant value," similarly to the case of six workers from Huta Katowice. (See Andrzej Kisielinski.)

15. Krol, Zdzislaw
Warsaw, 26 years old, employed at the Huta Warszawa [Steelworks].

Detained on September 10 along with his brother Jacek. He is being held under investigative arrest charged with possession of copies of CDN Glos Wolnego Robotnika, [To Be Continued: Voice of Free Worker], other independent publications and materials and supplies for printing (offenses defined under Articles 270, 271, and 273 of the Penal Code). Awaiting trial. His brother was released after sixty hours.

16. Lenkiewicz, Antoni
Wroclaw, 51 years old, member of Regional Executive Commission of Solidarity for Lower Silesia.
Arrested on October 9, 1984 and held under investigative arrest. Charge unknown.

17. Lis, Bogdan
Gdansk

Until his arrest June 10, 1984, he served as a member of the Temporary Coordinating Commission of Solidarity, formed after the imposition of martial law in April 1982; member of Regional Coordinating Commission in Gdansk. Elected member of National Commission of Solidarity in September 1981.

He was arrested on June 10, 1984 by secret police [S.B.] in Gdansk. He was charged with "failing to cease union activities after December 12, 1981," "disseminating false information that could be detrimental to the interests of the Polish People's Republic (P.R.L.)," "organizing, along with others, the Temporary Coordinating Commission and the Regional Coordinating Commission of Solidarity, whose intent was criminal activities," etc. In addition he was charged with "conspiring with people acting for foreign organizations in order to harm the political interests of the P.R.L.," the first elected official to be charged with an offense defined as treasonous. Released December 10, 1984.

Rearrested on February 13, 1984 while participating in a meeting with Lech Walesa and other members and advisors of the National Commission of Solidarity. He faces charges of preparing an illegal strike called for February 28, 1984.
See also: Wladyslaw Frasyuniuk and Adam Michnik.

18. Lorek, Leszek

Wysoka, near Katowice, 30 years old, electrician at the Katowice Steelworks.

Arrested on October 29, 1983 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property ent of significant social value," i.e. printing equipment belonging to the Solidarity Factory Commission of Katowice Steelworks. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.

See: Andrzej Kisielinski.

19. Luty, Michal

Katowice, 34 years old, worker at the Paints and Varnishes Factory in Gliwice.

Arrested on December 12, 1983 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property of significant social value," i.e. printing equipment belonging to the Solidarity Factory Commission of Huta Katowice. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.

See: Andrzej Kisielinski.

20. Michnik, Adam

Warsaw

al. Przyjaciol 9/13

Political prisoner from 1968 to 1969. Member of KSS-KOR and T.K.N. Advisor of Solidarity's Mazowsze Region. Imprisoned from December 13, 1981 until his release in August 1984 on charges of "making preparations for the overthrow of the political system by force" for his activities in KSS-KOR (Committee for the Defense of Workers) and in Solidarity.

Rearrested on February 13, 1985 while participating in a meeting with Lech Walesa and other members and advisors of the National Commission of Solidarity. He faces charges of preparing an illegal strike called for February 28, 1985. He was also detained and facing investigation for participating in a meeting of the Temporary Coordinating Commission January 21, 1985. According to the authorities, the "investigation is continuing."

See also: Wladyslaw Frasyniuk and Bogdan Lis.

21. Mickiewicz, Marek

Falenica, 26 years old, employed at a privately-owned tailor's shop.

Arrested on September 12, 1984 and placed under investigative arrest, charged with possession of printing equipment. Awaiting trial.

22. Milanowicz, Jerzy
 Sosnowiec, 35 years old, car mechanic at the Katowice Steelworks.

Arrested on December 17, 1983 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property ent of significant social value," i.e. printing equipment belonging to the Solidarity Factory Commission of Huta Katowice. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.
 See: Andrzej Kisielinski.

23. Muzyk, Miroslaw
 Under investigative arrest under charges defined by Article 201 of the Penal Code ("usurping socially-owned property of considerable value").

24. Nielcz-Jawecki, Ryszard
 Warsaw, Student at the Catholic Theological Academy.

Arrested with two fellow students and held under investigative arrest on charges of reprinting the homilies of Father Jerzy Popieluszko.
 Source: Tygodnik Mazowsze, no. 118, February 21, 1984.
 See: Michal Trybusiewicz and Maciej Wrzesniowski

25. Niemiec, Edward
 Krakow, 41 years old, employed at the Institute of Nuclear Physics in Bronowice.

He was arrested on October 18, 1984 and charged with "appropriating public property of considerable value." This is similar to the charges levied against six employees of the Huta Katowice Steelworks (See: Andrzej Kisielinski).

26. Niewiara, Andrzej
 Bedzin, 35 years old, stoker at the Katowice Steelworks,

Arrested on January 11, 1984 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property ent of significant social value," i.e. printing equipment belonging to the Solidarity Factory Commission of Huta Katowice. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.

See: Andrzej Kisielinski

27. Palubinski, Jacek
 Warsaw, 23 years old.
 Arrested on October 14, 1984 and charged with "disseminating false information while serving in the armed forces."

28. Patlaszynski, Waldemar
Warsaw, employed at the Warsaw Municipal Transport Authority.

Arrested on May 1, 1984 for participating in independent Mzy Day demonstrations in Warsaw, his charge was revised prior to the amnesty. He is presently charged with offenses defined under Article 127 (sabotage), an offense not included in the amnesty.
29. Pietrzak, Jakub
Poznan, Assistant Professor at the Medical Academy in Poznan.
Arrested on August 31, 1984 after an unwarranted search and held under investigative arrest on charges of distributing underground publications.
30. Salwa, Stanislaw
Lubin, turner at ZG Rudna, married with two children.

Arrested on December 4, 1984.
Held under investigative arrest awaiting trial on charges of participating in the production and dissemination of illegal publications, under Article 45 of the Press Law and Article 282a, para. 1 of the Polish Penal Code, with a penalty subject to three years' imprisonment.
31. Sauc, Stanislaw
Wroclaw
Third year student of Polish philology at Wroclaw University.
Arrested with another student in December 1984. Charge unknown.
32. Sedek, Grzegorz
Warsaw
Detained on November 30, 1984 and placed under investigative arrest charged with possession of an offset printing machine.
See also: Tadeusz Wypych
33. Siedlinski, Piotr
Gdansk, police functionary of the Gdynia Metropolitan Office of Internal Affairs.

Arrested on October 23, 1984, with Adam Hadysz, and charged with "participating in a criminal association" and "revealing state secrets."
See: Adam Hadysz.
34. Stolarczyk, Andrzej
Jaworzno, 33 years old, technical mechanic at the Katowice Steelworks.

Arrested on January 11, 1984 and being held under investigative arrest with five other employees of Huta Katowice and stand accused of offenses under Article 201 of the Penal Code for "appropriating social property ent of significant social value," i.e. printing equipment belonging to the Solidarity Factory Commission of Huta Katowice. The trial has twice been postponed, most recently on January 16, 1985. The defendants have been interrogated and beaten, with a view to forcing them to confess.
See: Andrzej Kisielinski

35. Szatkowski, Marek
Wroclaw, 23 years old, married with a four-month old daughter.

Arrested on May 22, 1984 after his vehicle was stopped and found to contain blank paper.

He is still being held under investigative arrest on other charges, for allegedly "attempting to bribe a police functionary." "According to reports received from the investigative detention center, he has been subjected to very harsh treatment; among others he was placed for two weeks in the "tiger cell" (a small, isolated cell with boards used for beds). He also was thrown for twelve hours into the "thermos," a cell not much larger than a person, with no ventilation, causing breathing to become very difficult. He conducted a hunger strike for ten days along with fellow inmates from Walbrzych Solidarity in protest against his treatment. He was also sent through the "health path," a gauntlet of functionaries who beat those who pass through with truncheons."

His trial was scheduled for September 20, 1984 but has not yet taken place because the presiding judge fell ill.

Source: Z Dnia Na Dzień [From Day To Day], from Wroclaw, issue no. 33 (335), September 30-October 6, 1984

38. Szymanski, Dominik
Wroclaw, 18 years old, student at a vocational school.

Arrested on September 28 with Andrzej Cwiklak and charged with "actively assaulting a functionary of the police." Awaiting trial.

See: Andrzej Cwiklak

39. Tomkiewicz, Roman
Wroclaw

Arrested on September 3, 1984 and held under investigative arrest for "insulting a functionary of the police."

41. Trybusiewicz, Michal
Warsaw, Student at the Catholic Theological Academy.

Arrested with two fellow students and held under investigative arrest on charges of reprinting the homilies of Father Jerzy Popieluszko.

Source: Tygodnik Mazowsze, no. 118, February 21, 1984.

See: Ryszard Nielcz-Jawecki and Maciej Wrzesniewski

42. Wrzesniewski, Maciej
Warsaw, Student at the Catholic Theological Academy.

Arrested with two fellow students and held under investigative arrest on charges of reprinting the homilies of Father Jerzy Popieluszko.

Source: Tygodnik Mazowsze, no. 118, February 21, 1984.

See: Michal Trybusiewicz and Maciej Wrzesniewski

43. Wypych, Tadeusz

Warsaw

Detained with Grzegorz Sedek and placed under investigative arrest, charged with possession of an offset printing machine.

Previously arrested on two occasions.

Presently held at the Rackowiecka Investigative Detention Center reportedly in bad conditions.

See also: Grzegorz Sedek.

44. Zawada, Franciszek

Swidnik

Arrested October 10, 1984.

Charge Unknown.

There follows additional persons reported arrested in January 1985 by the independent publication Wiadomości (News), from Warsaw, issue nos. 132 and 134, dated January 20, 1985 and February 2, 1985:

45. Dziarski, Grzegorz

Warsaw

Student at the Catholic Theological Academy.

Charge unknown.

46. Janasik, Justyna

Pruszkow (near Warsaw)

Employee at the Zaklady Akumulatorowe.

Charge unknown.

47. Mazur, Kazimierz

Pruszkow (near Warsaw)

Employed at the Zaklady Wykorzystania Sieci Elektrycznych.

Charge Unknown.

48. Ganowicz, Grzegorz

Poznan

Assistant Professor at the Poznan Polytechnical School.

Charge Unknown. Held under three months' investigative arrest as of January 1985.

49. Golab, Maria

Poznan

Art historian

Charge Unknown. Held under three months' investigative arrest as of January 1985.

50. Kolodziejski, Tomasz

Charge Unknown. Held under three months' investigative arrest as of January 1985

51. Lakinski, Wojciech
Poznan
Architect, employed at the Budoprojekt.
Charge Unknown. Held under three months' investigative arrest as of January 1985.
52. Porowski, Bogumila
Charge Unknown. Held under three months' investigative arrest as of January 1985.
53. Slowikowska, Maria
Charge unknown. Held under three months' investigative arrest as of January 1985.
54. Skowronski, Jan
Poznan
Electrical Engineer at the Energetyka Institute.
Charge Unknown. Held under three months' investigative arrest as of January 1985.

WELCOMING REMARKS BY SENATOR D'AMATO TO SOVIET DELEGATION

Mr. Ambassador, on behalf of the members of this delegation of the United States Congress to the Ottawa Human Rights Experts Meeting, and on my own behalf, I would like to express my appreciation to you for giving us the opportunity to meet with you and the other distinguished members of the Soviet delegation here in Ottawa. As you know, the Congress of the United States and the American public are vitally interested in the issues under consideration here, and are most desirous that this meeting produce favorable results. Naturally, we would also expect that such results would be reflected in future relations between our two nations, as CSCE signatory States, and also in the relations between signatory States and their own citizens.

When the Helsinki Accords were signed in 1975, they provided the groundwork for cooperation between the CSCE signatory States in a number of vital areas, such as military security, trade and economic concerns, and human rights. In this regard, there is genuine concern in the Congress and among the American people over implementation of all the provisions of the Accords by all the signatory States. I hope you agree that bilateral contacts such as this present meeting can lead to a better understanding of each other's positions and make an important, positive contribution to the Helsinki process and to U.S.-Soviet relations in general.

On Tuesday, sixteen of my colleagues and I signed a joint letter to General Secretary Mikhail Gorbachev, asking him to order the release of prisoners of conscience and to begin a policy of free emigration. Today, I would like to present you with this letter and ask that you ensure that it is conveyed to the General Secretary.

We signed this letter and we present it to you now to convey our sense that a unique but fragile opportunity now exists for a new beginning in the process of building trust and confidence between our two nations. General Secretary Gorbachev's emergence as a major figure on the world stage makes this possible.

We seek concrete actions on issues of concern to us. When the participating States signed the Helsinki Final Act, they agreed to Principle VII of Basket I. This Principle states that, "the participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion." The representatives of the signatory States are gathered here in Ottawa to discuss questions concerning respect in the thirty-five CSCE States "for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act."

My colleagues and I support balanced progress in all areas covered by the Final Act. The United States believes in the ideals embodied in the Final Act -- indeed, they are a part of the very fabric of our society and have been so since before our Revolution. Accordingly, in the minds of the American people, there is an undeniable linkage between progress on human rights issues and progress on other vital issues between our two nations.

This linkage is not an invention of diplomats, it is a simple fact of public life in the United States. We seek to build a relationship of trust, confidence and cooperation with the Soviet Union. Such a relationship is the foundation of stable, peaceful progress for our two nations.

However, we must now discuss with you some concerns which are widely shared by all Americans and which, unless resolved, will make the kind of progress we seek difficult to achieve.

Our joint letter addresses only prisoners of conscience and free emigration. We have other concerns: the pledge under Principle VII, to "recognize and respect the freedom of the individual to profess and practice, along or in community with others, religion or belief in accordance with the dictates of his own conscience." We are concerned that, within the Soviet Union, significant official steps have been taken contrary to the terms of this Principle.

Specifically, we are concerned regarding the treatment of Lithuanian Catholics, Jews, Ukrainian Catholics, Baptists, Pentecostals and Muslims. I will raise with you during the course of our discussions the cases of individuals who have, we believe, been denied the exercise of religious freedom. I will discuss such examples as Anatoly Shcharansky, Iosif Begun, and Ida Nudel.

My colleagues and I look forward to this opportunity to review with you these issues, with the goal of achieving a basis for further progress. At this time, I will defer to my distinguished Co-chairman, Representative Steny Hoyer, for his remarks.

STATEMENT BY
THE HONORABLE MICHAEL ARMACOST
UNDER SECRETARY FOR POLITICAL AFFAIRS
U.S. DEPARTMENT OF STATE

May 9, 1985

Mr. Chairman, colleagues, ladies and gentlemen:

It is both a pleasure and fitting to gather in Ottawa for this meeting on human rights in the 35 state Conference on Security and Cooperation in Europe. I want to thank our Canadian hosts and the Executive Secretary for the excellent arrangements they have made for this meeting.

Canadians can be proud of their comprehensive and varied approach to the protection of human rights, based on parliamentary tradition and constitutional safeguards. The United States shares with its neighbor to the North a tradition of governmental commitment to securing the blessings of political liberty and the rights of the individual.

It is because of our deep commitment to these ideals and because of the importance we attach to this Meeting that Secretary Shultz has asked me to welcome you, on his behalf, to join our Canadian friends in welcoming you to the North American continent.

Human rights are a critically important part of the Helsinki process. Our purpose in Ottawa is to meet on questions concerning respect in the 35 CSCE participating states "for human rights and fundamental freedoms, in all their aspects, as embodied in the Final Act." We are also required by the Madrid Concluding Document to "draw up conclusions and recommendations to be submitted to the governments." Our delegation is ready to join seriously and constructively in a look at the situation that now exists, so as to identify the problems, and to look ahead for ways to improve respect for human rights. Our delegation will do all in its power to contribute to progress in CSCE and in human rights. We are committed to balanced progress in all matters covered by the Helsinki Final Act. No one area can be left aside. We will negotiate patiently and in good faith to ensure meaningful results.

The American commitment to human rights is an essential part of our national identity. We are a nation made up of men and women with very different cultural heritages. What unifies us is not a common origin, but our commitments to shared ideals: freedom, constitutional democracy, racial and religious tolerance. These are also the values which bind us to our closest allies.

Mr. Chairman, the cause of human freedom is one of our most cherished inheritances from the European continent. The ideas of John Locke, Baron Montesquieu, Voltaire, and Jean-Jacques Rousseau were taking hold in Europe before we were a nation. Many of our

ancestors were immigrants who arrived on North American shores in search of liberty. They knew first hand the excesses of tyrannical rule. As President Reagan has said, "From our beginning, regard for human rights and the steady expansion of human freedom have defined the American experience. And they remain today the real, moral core of our foreign policy."

In crafting a constitutional government to secure human rights and political liberties, our Founding Fathers understood the lessons of history. Over the centuries, promises by rulers with a monopoly of power proved insufficient to secure those rights. In our Declaration of Independence, Thomas Jefferson listed certain "inalienable" rights, and added, "to protect these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Applying Jefferson's words, our Constitution set up a government of limited powers, with democratic institutions to ensure government based on consent of the people.

It is worth noting that the central idea of consent by the governed is closely related to the principle of self-determination, subscribed to by all of us in principle eight of the Helsinki Final Act. Democratic institutions are a tried and true formula for protecting human rights. Conversely, history has shown that failure to live up to the principle of genuine self-determination leads to abuses of human rights.

The Declaration of Independence set forth as the objectives of government the rights to life, liberty and the pursuit of happiness. So that these objectives may be attained, our Constitution and Bill of Rights enumerate the specific rights of the individual which government may not infringe. Among these are the rights to free speech, free press, freedom of religion, assembly, habeas corpus, legal counsel and public trial. Self-incrimination, ex post facto laws, and cruel and unusual punishment are prohibited. A genuinely independent judiciary was established. This idea of denying government excess power over the individual -- based on our Founding Fathers' understanding of human nature and history -- has proven a durable and remarkably successful system to secure those rights. As Jefferson said in 1787, "A bill of rights is what the people are entitled to against every government on earth." My government will continue striving to improve our record as a nation dedicated to freedom, justice and human rights for all.

Human Rights and the Helsinki Process

Mr. Chairman, we are approaching the Tenth Anniversary of the signing of the Helsinki Final Act. It is well to reflect on the meaning of the CSCE process and its human rights dimension. Let there be no doubt about my country's commitment to the goals of the Final Act. We believe in its ideals: respect for fundamental

human rights and freedoms, including liberty of thought, conscience and faith, and rights of minorities; basic principles of relations between states; family reunification and human contacts; greater flow of information, ideas and persons across East-West borders. We also endorse commitments undertaken at the Madrid Conference, including provisions on the rights of workers to organize, religious rights, access to diplomatic and consular missions, rights of journalists, and measures against the growing threat of terrorism. We welcome the interim meetings leading up to the Vienna Review Conference as a chance to assess and make progress in a variety of fields including peaceful settlement of disputes, cooperation in the Mediterranean, culture, human rights, and human contacts. In Stockholm, we have co-sponsored along with the other 15 nations of the North Atlantic Treaty Organization a comprehensive package of confidence and security building measures. If adopted, these could make a significant contribution to European security.

Our hopes for the Helsinki process, however, have always been tempered by realism. My government knew from the outset that CSCE would not solve all of the difficult issues we face, nor erase fundamental differences between East and West. We knew that the process would not break down overnight the divisions between East and West in Europe. But we believe that with patience, negotiation, and most importantly a good faith effort by all to live up to commitments, progress could be made and international tension reduced.

The Final Act calls respect for human rights and fundamental freedoms "an essential factor for the peace, justice, and well-being necessary to ensure the development of friendly relations and cooperation." The underlying logic is compelling -- international security, cooperation and human rights are part of one fabric. Progress in respect for human rights would bring with it improvements in bilateral relations. Would this not in turn increase confidence and security among the CSCE states, and in East-West relations?

This is the evolutionary vision that the negotiators of the Helsinki Final Act had in mind. They understood that human rights abuses within states can spill over into international relations, leading to tensions between nations and posing a threat to peace. As Secretary of State Shultz said at the Madrid Review Conference, "There can be no lasting security or cooperation in Europe as long as one government is afraid of its own people and seeks reassurance in imposing a system of force on its people -- and on its neighbors." The United States shares with our Western partners an unswerving commitment to balanced progress in the human rights and security dimensions of the CSCE process.

Despite the compelling logic, and the commitments undertaken in the Helsinki Final Act, we still hear echoes of the view that a government's human rights practices should not be the subject of international concern and discussion. It is ironic that the

governments making this argument generally have political philosophies based on the concept of historical inevitability; they are swimming against the tide of history. The Universal Declaration of Human Rights and the Helsinki Final Act are but two manifestations of a clear twentieth century trend in international relations and law -- human rights are a legitimate, important subject of international discourse. In sum, let me make it perfectly clear -- my government does not accept the claim that raising concerns about a state's compliance with its CSCE or international law commitments is an intervention in that state's internal affairs.

Mr. Chairman, even if governments wished to argue otherwise, citizens around the world and organizations devoted to the protection of human rights would not cease their humanitarian efforts. Nor would the press, which makes us more and more a global village, cease its inquiry.

I shall use this opportunity of the initial presentation at this meeting by the United States delegation to focus on one problem to which we attach special importance. The Helsinki Final Act and Madrid Concluding Document affirm the rights of individuals to know and act on their rights, and the positive role institutions, organizations and persons can play in achieving CSCE goals. These affirmations inspired many brave men and women to begin to monitor the progress of their governments in achieving the goals originally set forth at Helsinki, to speak out against what

they perceived to be injustice. Their fate has not been a happy one. Some have died; others languish in prisons, labor camps, or psychiatric hospitals, their lives destroyed. Their suffering and their sacrifices haunt this meeting. If we forget them, what they have done and why they have done it, we forget why we are here. Mr. Chairman, we call upon all CSCE states to give full meaning to the right of citizens to know and act on the rights guaranteed to them at Helsinki and Madrid.

In expressing our support for the worthy goal and agreed standards of CSCE, we must not lose sight that the measure of our success is results - good deeds to match our good words. As one American scholar put it, rights "cannot survive through the power of words on parchment unless one believes in the magical power of incantation." Rights prosper when societies allow and encourage them to do so. United States considers implementation of the Final Act and the Madrid Concluding Document fundamental to the success of the CSCE process. We take our own commitments in the CSCE process seriously. While proud of our record, we are willing to listen to the views of others. We will continue to do so, here in Ottawa and elsewhere. President Reagan has referred to this as "the critical moral distinction of our time - the clear difference between a psychology of government that acknowledges wrongdoing and injustice and one that refuses to admit to such injustices and even justifies its own assaults on individual liberty . . . "

Mr. Chairman, we do not expect instantaneous compliance with every CSCE provision, nor instant transformation of political, economic and social systems. We do expect a good faith effort by states to live up to their international undertakings. If not, what implications are to be drawn for the reliability of other solemn commitments? We are looking for the possible and the necessary, a direction, and signs of progress. CSCE provisions may not be legally binding and enforceable, but we will continue to speak out when commitments are blatantly disregarded. This is essential to the credibility of the Helsinki Process.

It is because of our deep commitment to the ideals on which Principle VII of the Helsinki Final Act is based that we used every opportunity that has been available to us to express our concern over failures to abide by the understanding reached at Helsinki. We have, in this context, engaged in what is often referred to as "quiet diplomacy." The communications of our views as to specific cases as well as more general topics from a representative of our government to a representative of the government concerned outside of the earshot of the media. There have been quite a number of instances in which such quiet diplomacy has been successful. But, I regret to say, there are also instances in which no progress has been made through that approach. It is in those instances that we consider ourselves duty bound to draw the attention of third parties to the matters which have theretofore been dealt with bilaterally. The duty to which I am referring is, as far as this meeting is concerned, imposed on us by the Madrid Concluding

Document. Ambassador Schifter and his delegation have been entrusted with the responsibility to fulfill it in the weeks immediately ahead.

Outlook for Ottawa

Mr. Chairman, as our expectations for the Helsinki process are realistic, they must also be so for this six-week experts meeting. There are major differences of outlook among us on questions of human rights. Yet, the CSCE is a dynamic process which calls on us to examine periodically the record and the prospects. It is a complex and interrelated process; each meeting and each step has an inevitable effect on the next. It is a process which flows and ebbs with the changing state of East-West relations. We do see a possibility of hope, and are prepared to be flexible and creative to help achieve what is possible.

As each of our governments has surely done, my government has thought seriously and carefully about this meeting. We have held meetings, engaged in consultations, and made studies. We have spoken with interested American citizens to seek their views and to inform them. We have developed concrete ideas which could make a contribution to progress in human rights, and will be ready to discuss them in detail. We know of and share the hope that this

meeting contribute to an improvement in East-West relations. I have tried today to lay out a vision of how that could happen. For our part, we are ready, willing, and able. We want to join all CSCE participants in building a more stable, secure and humane world.

PLENARY STATEMENT
 BY U.S. AMBASSADOR RICHARD SCHIFTER
 ON THE SITUATION OF RELIGION IN THE USSR
 AND CZECHOSLOVAKIA
 TO HREM MEETING OF CSCE

OTTAWA, CANADA -- MAY 17, 1985

Mr. Chairman:

In a number of interventions the Soviet Union and its allies have deplored the candid discussion by some of the representatives of the participating states about human rights conditions in Soviet Bloc countries. Such talk, we have been told, does not contribute to a good spirit at a meeting of this kind. We certainly want to see good spirit and good relations among delegates to this meeting, Mr. Chairman. But what is more important is that there be good relations among our countries. What we seek to do here is to point out, in a measured manner, what problems stand in the way of good relations. The results, we hope, will ultimately be the removal of these obstacles to the relaxation of international tension, leading in turn to an improvement in the general atmosphere.

Mr. Chairman, our first substantive intervention on Wednesday was devoted to what President Franklin Delano Roosevelt, in formulating our World War II goals of Four Freedoms, identified as the First Freedom, Freedom of Speech. I shall today speak of the Second Freedom, Freedom of Religion.

In Principle VII of the Helsinki Final Act the participating states pledged themselves to "recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Let me point out that this text closely tracked the words of Article 18 of the Universal Declaration of Human Rights:

"Everyone has a right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Yesterday the distinguished representative of the Soviet Union told us in what manner, in his view, his country respected freedom of religion. Let me now state in some detail in what manner, we believe, the Soviet Union fails to abide by its commitments under the Helsinki Final Act. As we see it, the Soviet Union places

extraordinarily restrictive limitations on the exercise of religion, authorizing such exercise only within a very narrow framework and outlawing all religious activities which take place outside it. This system of state control of religion was initially anchored in law 56 years ago, during the heyday of the Soviet campaign against all forms of religion. No effort has been made in the intervening period to bring this set of laws into conformity with either the 1948 Declaration or the Helsinki Final Act. As in 1929 the law permits the conducting of religious activities by groups only if they are registered as "religious associations." Religious associations, in turn, are rigidly controlled through a body of rules enforced by a state bureaucracy which is headed by the so-called Council of Religious Affairs. Working under the Council of Religious Affairs are regional commissioners, with whom religious associations must register. A commissioner can refuse to register an association or can cancel the registration without citing any reason. Through this process, the commissioner can also regulate the selection of Clergymen for any church position.

Furthermore, since all property, including ancient church buildings, is owned by the government, the religious association must reach an agreement with the local government before it can obtain possession of the building.

Generally speaking, the regulators will authorize liturgical services only at designated hours and only in designated places, namely the officially authorized places of worship. All other religious activities are forbidden. Thus, all persons whose personal commitments or the rules of whose religion call for religious activity and experience beyond those sanctioned by the bureaucracy must forego the demands of their conscience or risk punishment at the hand of the state. Moreover, in a special effort to prevent parents from passing on their religious beliefs to their children, membership in religious associations is denied to persons under the age of 18. Moreover, every effort is made to discourage all forms of religious instruction.

Religious associations are thus left, to use the American vernacular, between a rock and a hard place. If they don't register and engage in religious practices they find themselves in violation of the law. If they do register, they are subjecting themselves to government control, particularly as to the selection of their clergy, and have to submit to a large body of rules imposed upon them from the outside. Violation of the rules can lead to loss of their registered status and thus, once again, to

violation of the law. Our vernacular has a term for such an arrangement as well. It is what we call a "Catch-22" situation, that is, one in which there is no exit from the maze in which the unfortunate individual finds himself trapped.

It is worthy of note that as the police are evidently too busy performing functions other than enforcement of the laws on the subject of religion, a special "volunteer spy" system has been created for that purpose. Neighborhood committees which are called "Public Commissions for Control over Observance of the Laws about Religious Cults" watch over their neighbors and report to the appropriate authorities their violations of the laws controlling religious observances.

This, then, is the system which has existed for many years. Clearly it serves primarily to deprive of their religious freedom those persons who look to their religious associations to provide them with something more than a government-approved ritual ceremony in a government-approved location during a government-approved time period. Evangelical Christians, Mennonites, Baptists, and Pentecostals, many of whom have refused to register, are the ones most often the victims of government persecution of religious activities. Roman Catholic priests in Lithuania have in recent years also, more and more frequently, been severely punished for engaging in religious activities and for the violation of government edicts. So have Jews, whose legally authorized synagogues have been reduced to 50 throughout the Soviet Union and whose training institutions for rabbinical students have long since been closed.

To the chagrin of the authorities, however, interest in religion on the part of the Soviet people has apparently been on the increase rather than on the decline. Violations of the law are thus too numerous to permit those laws to be enforced rigidly and consistently. Instead, as students of the subject have noted, a good many minor violations will simply be ignored. But when the KGB's patience runs out, its agents clamp down hard and the person guilty of the illegal practice of religion is sent off for years in a prison, a forced labor colony, or in exile, often on a trumped-up charge. And in those cases in which it appears inconvenient to invoke "socialist legality" through a criminal proceeding, the luckless religious practitioner is sent off to an institute for the mentally ill. The result is haphazard punishment of those unfortunate people caught up in a system characterized most of all by arbitrariness.

Deprivation of the right to practice one's religion in accordance with the dictates of his own conscience is not, of course, the only hardship suffered by religious believers in the Soviet Union. The activist also suffers discrimination in his workplace. It can take the form of not being hired in the first instance, being fired from a position or not being promoted. Naturally, as a religious believer such an individual will not be granted membership in the Communist party and, because such membership is a sine qua non to elevation to leading positions, a religious activist's chance of rising to a position of any importance in the country is nil.

The fact that a number of religious denominations are allowed to exist in the Soviet Union does not mean that all of them may. The largest of those not allowed to exist is the Catholic Church of the Ukraine, which had 4,000,000 adherents when it was forcibly merged into the Russian Orthodox Church after World War II.

Jehovah's Witnesses constitute another banned religious group in the Soviet Union, presumably for their commitment to pacificism, a philosophy of life which is not welcomed in the Soviet Union, although ostentatiously supported in some other locales.

The power to license religious associations often leads to denial in fact of rights granted on paper. Thus, according to Soviet law, if 20 adult believers request a prayer house, the local authorities must open one for them. Yet some religious communities with hundreds of members have in fact been denied churches for decades. One such example is the Russian Orthodox community in the city of Gorky. In many parts of the Soviet Union, particularly in the countryside, therefore, believers must travel hundreds of miles to find an open church.

Mr. Chairman, we can point to numerous cases of religious believers who have been incarcerated in recent years. These include at least 64 reform Baptists as well as numerous Adventists and Pentecostals. Let me call particular attention to the case of Father Sigitas Tamkevicius who received a ten-year sentence for "anti-Soviet agitation and propaganda". This Lithuanian Catholic Priest had worked with a group known as the Catholic Committee to Defend the Rights of Believers. Early this year, another Lithuanian Catholic priest received a three-year sentence for organizing an unauthorized church procession on All Saints Day in 1984.

Another country, Mr. Chairman, in which religious activity is sharply curtailed contrary to the commitments

to which I have already referred, is Czechoslovakia. There, too, all religious activity has been placed under rigid state control. The present state of affairs has been well summarized in a recent publication entitled "Kirche in Fesseln", from which I shall now quote about religion in Czechoslovakia.

"Zahlreich sind die Massnahmen gegen Geistliche und katholische Gläubige, die sich zusammenfinden, um gemeinsam zu beten, die Schrift zu lesen, sich in Glaubensfragen weiterzubilden, die also die eigenen 'religiosen Bedürfnisse befriedigen' wollen, um es in der Nomenklatur der Parteisprache auszudrücken. Sie sehen sich gezwungen, dies insgeheim zu tun, weil es ihnen im Rahmen des der Kirche zugestandenen Wirkens nicht erlaubt wird. Derartige Zusammenkünfte werden von der Staatssicherheitspolizei aufgespürt und dann gerichtlich geahndet.

"Als Vorwand fuer derartige Eingriffe in Kirchliche und auch in privat-religiose Angelegenheiten wird Art. 178 des tschechoslowakischen Strafgesetzbuches herangezogen, der jeden Versuch einer Behinderung der staatlichen Aufsicht ueber die Kirchen und Religionsgemeinschaften unter Strafe stellt. Zur Begruendung wird auf das Gesetz Nr. 218/49(Sl.) hingewiesen, das fuer jede geistliche oder kirchliche Taetigkeit eine staatliche Genehmigung als Voraussetzung erforderlich macht. Die Sicherheitsorgane und Gerichtsinstanzen erweitern in ihrer Praxis diese Formulierung auf jede Handlung, die irgendwie in Bezug zur Religion steht. "Aus dem Art. 178 machen sie in Wirklichkeit einen Gummiparagraphen." So urteilt ein Bericht, den die Samisdat-Monatsschrift "informace o cirkvi" (Informationen Ueber die Kirche) in ihrer Nr. 12/1982 veroeffentlicht hat. Aus diesem erwahnten Gesetz wird gefolgert, dass eine Genehmigung fuer gottesdienstliche Handlungen jeder Art erteilt werden muss, wenn sie nicht als strafbares Vergehen angesehen werden sollen, auch fuer gemeinsames Beten mehrerer Personen, fuer gemeinsame Bibellesungen, fuer jedes Vorfuehren von Diapositiven mit religioeser Thematik. Andererseits muss mit ganzer Sicherheit angenommen werden, dass ein Ansuchen um die "staatliche Genehmigung" fuer diese und aehnliche Glaubensvollzuege negativ beantwortet wuerde."

As noted in the case of Freedom of Speech, we can also say with regard to Freedom of Religion in Czechoslovakia that the sentences imposed on those who are punished in violation of their human rights are of significantly shorter duration than in the Soviet Union. For that, I suppose, one can be thankful.

Mr. Chairman, In our intervention on the topic of Freedom of Expression we stressed the fact that it would be relatively easy for the new Soviet leadership to decide to relax the hard grip of the state, to grant the persons adversely affected the rights which they should have. The same is true with regard to those who have been punished for their attempts to exercise their right to freedom of religion. Here, too, we are not dealing with people who are a threat to the state. We seem to be dealing with people who are victims of a sprawling state bureaucracy, a bureaucracy which years ago was assigned the task of controlling religion and which, like so many other bureaucracies, attempts to justify its jobs and its existence by making work for itself. In this case it specializes in making work that makes other people miserable. The other day we discussed various ways in which the problem of unemployment is solved under different political systems. As our Soviet colleague explained to us, people in the Soviet Union are sometimes shifted from one set of jobs to another, all at government expense. It would seem that the interests of both the Helsinki Final Act and of the Soviet economy would be well served if the religious-control bureaucracy were shifted to socially more useful work.

ANNEX
TO
PLENARY STATEMENT
U.S. AMBASSADOR RICHARD SCHIFTER
ON
THE SITUATION OF RELIGION IN THE U.S.S.R. AND C.S.S.R.
AT
BREM MEETING OF CSCE

May 17, 1985
Ottawa, Canada

STATISTICS* ON RELIGIOUS BELIEVERS
IN THE U.S.S.R.

Orthodox Christians	40 million
(Russians, Ukrainians, Romanians, Belorussians, Georgians, Armenians)	
Muslims	40 million
(Uzbeks, Tadzhiks, Turkmen, Kirghiz, Azeris, Kazakhs)	
Catholics (Roman)	4 million
(Poles, Lithuanians)	
Ukrainians	4 million
Protestants	4 million
Lutherans (Latvians, Estonians and Germans)	
Baptists	
Pentecostals	
Adventists	
Mennonites	
Jews	2 million
Buddhists	100,000

* - Estimates based on most reliable information available

RELIGION IN THE USSR -
An Overview

Soviet Law and Religion

The USSR Constitution (Article 52) defines freedom of conscience as the right "to conduct religious worship or atheist propaganda." This formulation in effect makes illegal the conduct of "religious propaganda"; i.e., to engage in public discussion or refute atheist propaganda.

The 1929 Law on Religious Associations circumscribes believers' rights still further. The regime interprets the law's requirement that primary religious associations must register with local authorities as giving it the right to grant or withhold registration. In practice, this allows the state to limit the number of religious associations, to reduce their number gradually, and even to deny legal status to an entire religious denomination (e.g., the Ukrainian/Uniate/Catholic Church). In short, the state can and does prevent Soviet citizens from practicing the faith of their choice. Soviet constitutional provisions on the separation of church and state and the obligations of the Soviet Union as a signatory of international human rights covenants are in practice contradicted by the law's many Draconian restrictions on religious groups.

Religious groups do not have the status of independent public organizations under Soviet law or the juridical status of a person-at-law, and therefore cannot own property or inherit funds or property. "Cults" have no specific legal right to maintain seminaries, publishing facilities, or other institutions such as monasteries--those that exist, exist precariously, by special permission. The law is structured to prevent the clergy or hierarchy from exercising effective control over church affairs. At the same time, it allows state officials to manipulate church activities and policies by giving them a role in determining the membership of primary religious groups and the selection of their leaders and clergy. The lengthy list of restrictions and regulations imposed on religious associations and clergy prevents them from engaging in any activity except the performance of religious rites. They cannot proselytize or provide religious instruction to children; engage in charitable, social, or "political" activities; or organize prayer or study groups, libraries, mutual aid societies, kindergartens, or cooperatives. A 1966 decree made violations of the law punishable by administrative fines imposed by local authorities.

The regime enforces its policy through the Council for Religious Affairs attached to the USSR Council of Ministers. The Council monitors religious activities and is responsible for the enforcement of laws pertaining to religion. Its administrative regulations thus impose an additional level of restrictions on

religious liberty. According to official documents of the Council and unofficial reports reaching the West, the Council supervises religious activities and senior church officials in minute detail; censors religious publications; passes on personnel selections; and even monitors sermons and biblical passages used in religious services. Clergy cannot legally practice their calling without the Council's approval. Whenever possible, the Council places the clergy in the position of acting against their direct responsibilities by forcing them to implement policies designed to weaken and in time destroy religion: by closing churches "voluntarily," keeping silent when believers are harassed, and ignoring violations of law by the authorities. In general, the regime aims at compromising the integrity of clergy and religious institutions, and at rendering organized religion and individual believers incapable of defending their interests.

Repression of Activists

Believers who refuse to register or comply with state controls become subject to a wide range of sanctions. Repeated violations of the Law on Religious Associations can lead to criminal charges. Articles of the (RSFSR) Criminal Code used against believers include those aimed specifically against religious activists as well as those used against political dissidents: Articles 142 (Violation of laws on separation of church and state and of church and school), 143 (Obstructing performance of religious rites), 227 (Infringement of person and rights of citizens under appearance of performing religious ceremonies), 190.1 (Slandering the Soviet state and system), or 70 (Anti-Soviet agitation and propaganda). In addition, articles involving general criminal violations are also used frequently, such as hooliganism, engaging in prohibited trades, parasitism, and others. Cases against believers are often fabricated.

Soviet law and penal practices single out religious activists for especially harsh treatment. Those convicted under the Criminal Code for "religious crimes" are sentenced to strict regime labor camps and designated--together with political activists--as "especially dangerous state criminals," a category that disqualifies them from amnesties or leniency. Indeed, the provisions of amnesties promulgated in recent years demonstrate that authorities regard religious activism (such as organizing religious classes for children or circulating a petition) as a more serious crime than assault, robbery, or rape. Even if convicted for lesser crimes, believers rarely qualify for early release or parole because, as "prisoners of conscience," they usually refuse to provide the required expression of remorse or admission of guilt. Believers who are incarcerated in psychiatric hospitals face an especially agonizing choice, since they are often promised immediate release if they renounce their belief in God. Others face deprivation of their parental rights under provisions of the Soviet Family Code that obligates parents to raise their children as "worthy members of a socialist society."

Social pressures against believers include public "exposure" by atheist activists, exclusion from higher education, and discrimination in professional advancement. Young people, in particular, face heavy pressures and face life as

Russian Orthodox

The Russian Orthodox Church is the "official" religion of an officially atheistic State. As such it is tightly controlled by Soviet authorities. Today there are approximately 40 million adherents of Russian Orthodoxy and other orthodox denominations. Orthodox priests and laymen who refuse to conform to strict Soviet regulations are subject to persecution and arrest. At least 39 are known to currently be serving sentences or awaiting trial, including 7 listed below:

- 1) Vladimir Poresh - Russian Orthodox activist. In October 1984, he was sentenced to an additional three years labor camp for "malicious" violation of labor camp rules, first person to be convicted under the new article 188-3 of the RSFSR criminal code.
- 2) Father Aleksandr Pivovarov - was sentenced in late 1983 to 3-1/2 years in a strict regime camp for circulating religious literature.
- 3) Zoya Krakhmalnikova, editor of the Orthodox samizdat periodical Nadezhda, was sentenced on April 1, 1983 to one year in camp plus 5 years of internal exile for "anti-Soviet agitation and propaganda".
- 4) Feliks Svetov - an Orthodox layman and Krakhmalnikova's husband, was arrested January 25, 1985.
- 5) Father Pavel Lysak - a priest known for his popularity among young people, was sentenced to 10 months in camp in December 1984 on charges of living in Moscow without a residence permit.
- 6) Sergey Markus - an art historian and lay Orthodox teacher, was arrested January 8, 1985 for organizing a study course in Russian culture and Orthodoxy, and charged with slandering the Soviet state and system.
- 7) Boris Razveyev - a lay Orthodox activist, was arrested in Ufa in January 1985; the original charge of possessing narcotics was subsequently changed to anti-Soviet agitation and propaganda.

Pentecostals

At least 30 Pentecostals have been imprisoned for their beliefs in the USSR. Attached is a list with 11 recently imprisoned believers:

Valentina Golikova -- Sentenced on January 25, 1985 to three years in a labor camp for "slandering the state;"

Vladimir Lōbōdā -- Sentenced in late 1984 to four years in a labor camp and three years internal exile.

A small community of ethnic German Pentecostals living at Chuguevka in the Soviet Far East have been persecuted by the Soviet authorities. Denied permission to emigrate, community members have turned in their internal passports, undertaken four month-long hunger strikes, and taken their children out of schools due to harassment and beatings of the children at school. As a result, Soviet authorities have threatened to take custody of children belonging to six of the families. Since December 1984, at least nine believers have been tried and sentenced.

Nikolay Vins -- Sentenced on February 26, 1985 to one year in a labor camp for not possessing an internal passport, and again on April 29 to five years in a labor camp for the "organization of group actions disrupting the public order," and for "resisting the police";

Anatoliy Khoka -- Sentenced on February 26, 1985 to one year in a labor camp for not possessing an internal passport;

Gennadiy Maidanuk -- Sentenced on February 26, 1985 to one year in a labor camp for not possessing an internal passport;

Viktor Valter (community leader) -- Sentenced on April 11, 1985 to five years in a labor camp for conducting illegal religious services;

Anatoliy Sheludkov -- Sentenced on April 29, 1985 to five years in a labor camp for "organization of group actions disrupting the public order," and for "resisting the police";

Viktor Pavlovets -- Sentenced on April 29, 1985 to four and one-half years in a labor camp for "organization of group actions disrupting the public order," and for "resisting the police";

Berngard Rosher -- Sentenced on April 29, 1985 to four years in a labor camp for "organization of group actions disrupting the public order," and for "resisting the police";

Pyotr Lobanov -- Sentenced on April 29, 1985 to three and one-half years in a labor camp for "organization of group actions disrupting the public order," and for "resisting the police";

Viktor Samsonov -- Sentenced on April 29, 1985 to three years in internal exile for "organization of group actions disrupting the public order," and for "resisting the police".

Ukrainian Catholics

The largest banned church in the USSR with an estimated four million, many Ukrainian Catholics have been imprisoned for their religious activities. Attached are four well-known cases:

- 1) Vasyl Kobryn - Chairman of the Group to Defend the Rights of Believers and the Ukrainian Catholic Church. Sentenced on March 22, 1985 to 3 years general regime labor camp for "anti-Soviet slander".
- 2) Iosif Terelya - Founder of the Group to Defend the Rights of Believers and the Ukrainian Catholic Church. Arrested on February 8, 1985 on charges of anti-Soviet activity.
- 3) Grigory Budzinskiy - Eighty-year-old Ukrainian Catholic priest kidnapped by local authorities in late October, 1984 and forcibly held incommunicado in a local hospital for more than six weeks.
- 4) Anna Mykhaylenko - Ukrainian Catholic incarcerated in Special Psychiatric Hospital since 1980.

Roman Catholics

Roman Catholicism is the traditional faith for some one million Poles and over 2.5 million Lithuanians in the USSR. In 1983, for the first time since 1971, the Soviet authorities convicted two leading Lithuanian Catholic priests. Appended are three recently imprisoned Catholic priests in Lithuania:

- 1) Jonas Matulionis - Lithuanian Catholic priest sentenced to three years labor camp on January 18, 1985 for allegedly disrupting public order while he was leading prayers in a cemetery on All-Saints Day.
- 2) Sigitas Tamkevicius - Lithuanian Catholic priest and member of the Catholic Committee to Defend the Rights of Believers. In November 1983, he was sentenced to six years labor camp and four years internal exile for "anti-Soviet agitation and propaganda".
- 3) Alfonsas Svarinskas - Lithuanian Catholic priest and member of the Catholic Committee to Defend the Rights of Believers. In May 1983, he was sentenced to seven years labor camp and three years internal exile for "anti-Soviet agitation and propaganda".

JUDAISM

Religious Jews suffer the same repression as all other active religious believers in the USSR. Believers are discriminated against in education and jobs; there are no seminaries, and religious materials of all types are difficult to come by. Two recently arrested devout Jews are:

Yevgeniy Eisenberg -- A Kharkov Hebrew teacher arrested on March 19 and charged with "anti-Soviet slander." Reportedly arrested in connection with the celebration of the Jewish religious holiday of Purim;

Moishe Abramov -- An orthodox Jew sentenced on January 25, 1984 to three years in a labor camp for "malicious hooliganism."

BAPTISTS

There are at least 200 Baptists imprisoned for their faith in the USSR. Since the close of the Madrid CSCE Meeting, at least 64 Baptist activists have been imprisoned for religious reasons. A list of 12 recently imprisoned Baptists follows:

Pastor Rudolf Klassen, 52, was due to finish a three-year term on June 20, 1983; he was not released and was sentenced to three years strict-regimen labor camp.

Pastor Yakov Skorniyakov, 55, was to complete his five-year term in July 1983, but the KGB subjected him to new charges and he was sentenced to three years of labor camp, although he is seriously ill with ulcers and a liver ailment.

Yevgeny Pushkov, choir director, was released in May 1983 after serving three years in labor camp. He received a written warning from the local party committee that he had "repeatedly been documented as an active member of illegal meetings." He was rearrested after several weeks and sentenced to another four years.

Pastor Pavel Rytikov was released in August 1982 after serving three years in labor camp and was rearrested a third time in April 1983 and sentenced to two years of imprisonment.

Vasily Ryzhuk, 54, after a year and a half at liberty, was rearrested in October 1984. He was released and seized again in February 1985. He has already served 14 years in labor camp and had lost two fingers while imprisoned.

Viktor Savelyev, born 1963, brother of prisoner of conscience Valentina Saveleva, was arrested in February 1984 in Georgia while transporting bulletins of the Council of Evangelical-Christian Baptists Prisoners' Relatives, and books by Western spiritual writer Watchman Nee. He is charged with circulating slanderous statements.

Vasily Tkach, 39, was arrested in February 1984 during a prayer meeting in Novgorod-Volynsky for allegedly "resisting a representative of authority while carrying out duties related to the preservation of peace." He was sentenced to three and a half years labor camp.

Roman Moiseyev, was arrested in Moldavia in October 1983 and sentenced to two years labor camp in January 1984. He is the younger brother of Ivan Moiseyev, a Baptist Soviet army conscript who died under unexplained circumstances in 1972, and is widely viewed as a religious martyr among believers. Roman was charged with organizing an open-air religious youth meeting in May 1983, attended by about 1,000 Christians in ~~the woods outside Kishinyov~~. Two busloads of militia and

Ivan Shidych was arrested December 25, 1984, in labor camp while serving a three-year sentence and handed an additional two and a half years in January 1985. He was due for release in July 1985. Shidych had refused to work on Sundays.

Mikhail Khorev, due to complete a term of labor camp on January 28, was rearrested and sentenced in January of this year to an additional two years.

Aleksandr Semchenko, former youth leader of a Moscow community of registered Baptists, was sentenced to three years of labor camp in January 1984 for distributing religious literature. Semchenko and two other members of the community had previously been investigated in 1978-79 in connection with a case involving a clandestine studio where foreign religious radio broadcasts and religious music were taped.

Pavel Vezikov, born 1957, was tried in May 1984 in Estonia and sentenced to two years labor camp for circulating samizdat and Christian literature printed abroad. He is a member of the registered Baptist church in Narva.

FROM: Public Affairs Advisor Alexander
TO: USIA - P/G BERG/FISCHMAN
- P/PFE
DATE: May 22, 1985

What follows is the speech delivered by Ambassador Schifter to the HREM plenary May 22, 1985. It consists of 16 single spaced pages and is embargoed until 12:00.

PLENARY STATEMENT
BY U.S. AMBASSADOR RICHARD SCHIFTER
ON SOCIAL AND ECONOMIC ISSUES
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- MAY 22, 1985

Mr. Chairman, ever since this conference began, we have returned, from time to time, to a discussion of what is perceived to be the distinction between political and civil rights, on one hand, and economic and social rights on the other hand. I shall, therefore, at the outset of this statement set forth the thoughts of the United States Delegation on this issue.

Those of us who trace our views of government to the writings of the English and French thinkers of the 18th century enlightenment subscribe to the proposition that government derives its mandate from the consent of the governed, such consent being expressed in free elections. The government thus reflects the will of the majority. In this context of majority rule, the philosophers on the subject defined certain rights of the individual which are so basic that no government may deprive him of it, irrespective of the size of the popular majority by which it was installed in office. These rights of the individual are what we understand principally under the

term "human rights". They define and clarify the fundamental relationship between the individual and his government and they consist, essentially, of limitations on the powers of government. Like the biblical "Thou shall not", the beginning phrase of the First Amendment to the United States Constitution, the beginning phrase of our Bill of Rights, is "Congress shall make no law", a phrase followed by the subjects on which Congress shall make no law, such as abridgement of freedom of speech or the press.

When we use the term "right", we think of a claim which can be enforced in the courts. The rights guaranteed in the United States Constitution, which in CSCE terminology are referred to as political and civil rights, are rights which every citizen can call upon the courts to protect.

We view what are here referred to as economic and social rights as belonging in an essentially different category. They are, as we see it, the goals of government policy in domestic affairs. Government, as we see it, should foster policies which will have the effect of encouraging economic development so as to provide jobs under decent working conditions for all those who want to work, at income levels which allow for an adequate standard of living. These goals should be attained in a setting which allows freedom of choice of his work to everyone. For those who are unable to find jobs we provide unemployment compensation and, if that is unavailable, other forms of social assistance. The economic system which is now in place in our country is fully in keeping with the relevant articles of the Universal Declaration of Human Rights.

The United States Delegation, in selecting issues for discussion at this conference, decided deliberately to limit itself to problems which, though of great concern to the American public, would not require systemic changes in the Soviet Union to effect correction. Every one of the problems we have raised so far about conditions in countries which describe themselves as Marxist-Leninist could be eliminated while staying within the system.

It so happens, therefore, that the Soviet human rights problems of greatest concern to the American public are the problems which could be most easily solved by the Soviet Union. They concern, as we have pointed out, the incarceration of persons guilty only of giving expression to their thoughts, the persecution of religious believers, the commitment of sane persons to institutions for the mentally ill, cultural repression, and discrimination against certain people on the grounds of ancestry. The Soviet state could, as I have said, correct these problems without effecting fundamental structural change.

We had not intended to engage in discussions of economic and social conditions in the Soviet Union, both because the American public is not as deeply aware of or concerned about them, and because correction of any shortcomings which we would have to point out would indeed require systemic change in the Soviet Union. We see such changes occurring gradually in some other countries which had initially adopted the Soviet economic model. However, we did not think this meeting to be an appropriate forum for a discussion of such issues. Nevertheless, as the Soviet Delegation has clearly insisted that we engage in a discussion of social and economic issues, let me say that we are prepared to join in that debate. To begin with, I shall respond in detail to the concerns expressed by the Soviet Delegation as to social and economic problems in the United States.

First of all, let me discuss the problem of unemployment in the United States. Our present unemployment rate is 7.3 percent. It reached a peak of 10.5 percent in 1982 and has declined significantly since then. Millions of new jobs have been created in recent years, offering new opportunities to the unemployed as well as to persons newly entering the job market. While we agree that an unemployment rate of 7.3 percent is still too high and further efforts need to be made to reduce the unemployment level, we believe that any person analyzing our unemployment rate should note the following:

1. about two percentage points are attributable to so-called frictional unemployment, i.e., persons in transit from one job to another;

2. a significant number of the job opportunities which are available in the United States at any one time go unfilled because no one in the locality in which the jobs are available is interested in doing the kind of work available at the wages which are being offered; as we don't have a system under which people can be compelled to work, unfilled jobs thus exist side by side with unemployment;

3. we do not have an anti-parasitism law; some persons prefer to draw unemployment insurance payments or welfare benefits rather than take jobs which they deem unsuitable;

4. the percentage of our adult population looking for work in the productive sector of the economy is enlarged by the fact that we have significantly fewer people than the Soviet Union in our military forces, in our police forces and, for that matter, in prison or performing forced labor; specifically, though the Soviet population is only twelve percent greater than that of the United States its military forces are almost 300 percent greater, its police forces more than 200 percent greater, and its prison population, including forced labor, over 1,200 percent greater than the corresponding figures in the United States.

I have made these points only to explain what the 7.3 percent figure means, not to suggest that it can and should be ignored. Our government is committed to the proposition that everyone who wants to work should have an opportunity to do so. Government policy is dedicated to the stimulation of economic growth, to the creation of more jobs, to the raising of standards of living, to the reduction of poverty. In a country such as ours there is often disagreement as to what might be the best policy to effect economic growth. Different political groupings advocate different solutions to the problems we face. But there is an overwhelming consensus that unemployment must be reduced and that it should be reduced within our present economic framework.

When we compare our economic model to alternate approaches, we must note that to some extent unemployment in our country is a consequence of our ideas of individual freedom. We do not assign people to jobs nor prosecute them for parasitism if they fail to take an available job. As I have noted, there are people in our country who pass up job opportunities because they don't like the jobs that are being offered or consider the wage offers too low. There are others who are unemployed and might be able to get a job of their liking and at a satisfactory wage at a substantial distance from their home, but they are loathe to move.

Much of the latter kind of unemployment is created by the fact that the economy adapts itself to market conditions. Uneconomic enterprises are thus compelled to close, sometimes causing serious dislocation in the communities dependent on them. In the long run, such adjustments enable the economy to adapt itself to change and to increase its over-all productivity. But, in the short run, it creates serious hardships for the people directly and adversely affected. To deal with these hardships and to bridge the periods of difficulty is a continuing challenge to our Federal, State and local governments. We recognize it for the problem it is and seek to deal with it. For reasons which I shall state later, the overwhelming majority of our people are not at all attracted to the solution to this problem which the Soviet Union offers.

There is one other point that needs to be made with regard to the issue of employment. We need to emphasize the role which a free labor movement has played in the United States in strengthening the role of the worker, achieving increases in wages and improvements in working conditions. The existence of a free labor movement, accountable only to its members, and not under the control of employers or governments, is, we believe, essential to the protection of the interests of working people. It has succeeded in the United States in setting standards not only for its own members, but for unorganized workers as well. As I noted yesterday, workers in certain states which profess to have been founded for the benefit of the working people are deprived of the ability to assert their

interests through the operation of free and independent labor unions.

The distinguished Soviet representative has raised the issue of homelessness in the United States. We recognize the existence of homelessness in our society. This is a complex and difficult problem for us, in large part because in recent years our laws have not allowed us to incarcerate or commit to mental institutions persons who insist on living on the sidewalks of our cities, as long as they are not threats to themselves or society. Many of these people refuse to make use of the wide range of accommodations available to them. In some societies they would be charged with vagrancy, parasitism or forced into mental institutions. In our cities they remain on the streets, quite understandably causing many visitors to wonder whether there is, in fact, no housing available for them.

The fact is that our Federal Government and our State governments have spent and continue to spend hundreds of millions of dollars to provide shelter for the homeless. Those who cannot be self-sufficient, such as the elderly, are given priority in assistance programs. Furthermore, the tradition of voluntarism in the United States has resulted in the creation of a great number of non-profit groups which have specialized in helping those in need of what our laws call safe and sanitary housing. Particular efforts have been made to assist the elderly.

I should also make it clear that there are quite a number of people in our country who live in housing which we deem substandard. We are interested in improving such housing, though we know that what is substandard in the United States may be standard in countries which are among our severest critics.

We readily concede that persons were for a long time discriminated against in our country on the grounds of their ancestry, and we recognize that government at all levels shares culpability with regard to this problem. However, beginning 40 years ago, policies on the subject of race began to change in our country and have changed at an ever-accelerating pace. Over this period the Federal Government as well as State and local governments have succeeded in stamping out all officially-sanctioned forms of discrimination based on ancestry. Beyond that, laws have been enacted that require the private sector to conform to fundamental principles of non-discrimination.

What I have just said does not mean that we can overnight overcome the results of generations of discrimination and disadvantage. I have not carefully checked all the statistics which our distinguished Soviet colleague has recited, but they may very well be correct. What is important to note is the change in the figures in recent years, as groups of our population which were previously discriminated against have

seen the barriers fall and have used the opportunities which have been afforded them.

Nothing that I have said is designed to suggest that we have eliminated racial and ethnic antagonisms within our population. They do exist and government is not able to change that fact. But here, too, we have witnessed change. Through the activities of various institutions, including, particularly, religious organizations, younger people have increasingly been imbued with a commitment to human brotherhood. We, therefore, have reason to believe that over time these antagonisms will continue to diminish.

My remarks about non-discrimination generally apply to Indians as well. But our Indian people have a special problem, which they share with indigenous peoples elsewhere in the world, indigenous peoples whose culture and economies differ markedly from that of the surrounding society. Much of our Indian reservation residents are only a few generations removed from a hunting and fishing culture. They have found it much more difficult to fit into industrial society than do the descendants of families engaged in agriculture.

The unusually large unemployment rate on Indian reservations is related to this problem. It is, let me emphasize, the unemployment rate not of Indian people but for Indian reservations. Indian people who have decided to leave the reservations can find and have found jobs elsewhere in the country. But there is no doubt that Indian reservations have found it difficult to attract industry and thereby create job opportunities for Indian people at reasonable wage levels in their home communities. It happens to be a problem with which our government has concerned itself and continues to concern itself. I readily concede that the problem has not been solved. In fact, I have personally worked and written on this subject.

I shall complete this discussion of discrimination by noting again that the United States has served as a magnet for immigrants of all races to achieve a higher standard of life for themselves and for their children. The fact that a majority of recent immigrants to the United States are non-whites from non-European areas and that they have integrated into our society at a truly amazing speed is clear evidence of the strength of the well recognized American acceptance of a variety of ethnic groups into our social and economic system.

Much has also been said here as to the role of women in the United States. As to the point made concerning the Equal Rights Amendment let me note again that the courts of the United States have construed the Fifth and Fourteenth Amendments to the United States Constitution so as to require legal equality between the sexes.

Admittedly, what is required by law takes time to be translated into reality in day-to-day life. The entry of women into our economic life on a basis of parity occurred only quite recently, after 1970. It has, however, progressed at amazing speed. To cite one item of statistics that comes to mind, in 1970, two percent of all law school students were women. Today they are 50 percent.

But new entries do not come in at the very top. That is why we find average women's wages to be below the average earned by men. It was 60 percent in 1980; it is 64 percent today and is expected to continue to rise as the years go by. Here, too, we do not suggest that we have reached our goal of full actual rather than purely legal equality, but we are clearly on our way toward that goal.

As I said earlier, Mr. Chairman, we had not intended to engage here in a debate on the respective advantages of the United States and Soviet models, but as the Soviet Union has initiated this discussion, we want to make it clear that we are not inclined to shrink from it. Let me say also that we recognize that the Soviet Union started to industrialize later than we did and that the Soviet Union suffered devastation during World Wars I and II. But let us also remember that we recalled earlier in this session that the war in Europe ended forty years ago. How far has the Soviet Union been able to travel in this period on the way to its economic goals?

In the early 1960's, Nikita Khrushchev predicted that the Soviet Union would surpass the United States in living standards by 1980. Yet studies of comparative per capita consumption conducted by University of Virginia Professor Gertrude Schroeder and others show that today, 25 years after Khrushchev spoke, and 67 years after the October revolution, the Soviet standard of living remains barely one third of the U.S. level. These same studies show that Soviet living standards are much lower than in any developed Western country.

The average Soviet citizen, in fact, lives less well than someone living at the official U.S. poverty line. An American family living at that level, for example, lives on an income which is 41 percent of the U.S. average. About 15.2 percent of our population lives at or below that level. By comparison, as indicated, the average Soviet citizen lives at about one third of the U.S. average, which give us some idea of the percentage of the Soviet population which lives below the U.S. poverty line. As suggested earlier by our distinguished Spanish colleague, equally dramatic comparisons can be made between the average Soviet citizen and the average unemployed worker in the West. In the recession year of 1982, for example, the worst since World War II, the median per capita income for unemployed workers in the U.S. was about five thousand dollars. The average income of a family with an unemployed worker was twenty thousand dollars. We do not deny that such an income in many cases reflected a substantial decline in living standards. But

a Soviet family living on the equivalent of twenty thousand dollars a year would be quite well off, even after we have adjusted for differences in the cost of basic needs.

Mr. Chairman, in making these comparisons I do not mean to suggest that the Soviet Union has made no economic progress since the October Revolution. But the limited success the Soviet economy has enjoyed in the past was dependent on constant additions to the labor force and on the availability of plentiful and inexpensive resources. Now that the Soviet Union has used up its surplus labor pool and its resources are more costly, its growth rates have plummeted. The Soviet Union, in fact, is no longer closing the gap between itself and the developed West. The per capita consumption comparisons I cited earlier have remained constant over the last decade. Given low Soviet labor productivity, the gap can reasonably be expected to widen in the future.

The Soviet economy today is characterized by pervasive shortages of consumer goods and the widespread corruption these shortages generate. These features, moreover, are not temporary problems which will solve themselves through continued progress over time. Rather, they are problems endemic to the Soviet system of centralized economic planning. This system, based on the notion that a small group of planners can efficiently allocate resources for an entire economy, has created instead an economy of bottlenecks, shortages and waste.

In the Soviet Union, unlike anywhere in the developed West, the most basic consumer goods are in continuous short supply and rationing remains a common fact of Soviet life. The situation has been so bad in some localities in recent years that food riots have reportedly occurred. In 1981, "Izvestia" reported the introduction of rationing in twelve major Soviet cities, including Irkutsk, Kazan, Tbilisi, Vologda, and Naberezhnye Chelny (now called Brezhnev). We have learned that meat and butter have both been formally rationed in the closed city of Sverdlovsk and its surrounding villages for several years. Presumably, the same is true of many other areas closed to foreign visitors.

The long lines of people lining up for scarce items on Soviet city streets have become famous throughout the world. The production and distribution system is so capricious that it is impossible to tell what will be available from one day to the next. This is why Soviet housewives frequently join lines without inquiring what is for sale. They simply assume they had better get whatever it is while it's available. This is also one important cause of Soviet productivity problems, since working people are typically obliged to take unauthorized absences from their jobs to chase after scarce necessities. These endless shortages force the average Soviet family to spend two hours shopping every day just to obtain the basic necessities of life.

The endless waiting is bad enough, but the Soviet consumer often finds that the product waiting for him at the front of the line is hardly worth the wait. The quality, variety and design of the consumer goods available in the Soviet Union are, in fact, notoriously poor by both Western and East European standards, and retail trade and personal service facilities are scarce, primitive and inefficient.

As one might expect, the chronic shortage of basic consumer goods has fostered the creation of an enormous black market in scarce items. This in turn has led to widespread official corruption, as persons with administrative control over scarce commodities divert them for personal gain. Corruption exists in all societies, but in the Soviet Union it is a pervasive and normal part of life. Stealing from the state is so common that the Soviet people have come to take it for granted. Anecdotes about corruption and bribery have become a staple of Soviet humor.

The leaders of the Soviet Union are aware of the problem, of course. It has been frequently raised at party plenums and the Soviet media are replete with stories of corruption, bribery and the executions of those unfortunate enough to be selected as examples of equal justice under law. What the Soviet leadership seemingly fails to realize or simply will not face is that an economy of shortages inevitably breeds corruption. Some estimate that as much as 25 percent of the Soviet gross national product is diverted to the black market every year.

It must be emphasized once again that the chronic shortages and widespread corruption which characterize contemporary Soviet life are fundamental features of the Soviet economic system. They reflect the systemic inflexibility of a centralized economic planning system which breeds bottlenecks and inefficiencies.

The Soviet consumer is further disadvantaged by the Soviet preference for spending on defense and heavy industry at the expense of the consumer sector. Soviet per capita spending for defense, for example, is, in relative terms, at least twice as high as in any developed Western country. Though we have heard a great many reminders from some of our colleagues here of the importance of the right to life and appeals for an end to the arms race, let us remember that in the 1970's the Soviet Union was the only runner in that arms race, continuing its build-up, while the United States was, in effect, engaging in unilateral arms reduction. Today, the Soviet Union spends at least fourteen percent of its GNP on defense, compared to only seven percent for the United States. Given the Soviet Union's systemic economic problems and its emphasis on heavy industry and weapons procurement, it is little wonder that Soviet authorities and press commentators chronically complain about the evils of "consumerism" and against the excessive accumulation of material goods.

The Soviet system of collectivized agriculture also contributes to the harshness of Soviet life. Much of the problem in food supply stems from the collectivized nature of Soviet agriculture. As is well known, the forced collectivization of agriculture in the early 1930's divested Soviet farmers of their land. What is not so well known is that the forcible confiscation of grain supplies that accompanied it resulted in a widespread famine that killed as many as six million in the Ukraine alone. Collectivization not only killed six million people but it permanently crippled Soviet agriculture.

The Soviet Union, in pre-revolutionary days the world's largest grain exporter, is now the world's largest grain importer. Twenty percent of the Soviet work force works in agriculture compared to three percent in the United States. Yet the Soviet Union often has had to import up to 25 percent of its grain. American farmers, who own their own land, are ten times more productive than their Soviet counterparts. Each year approximately 20 percent of the grain, fruit, and vegetable harvest, and as much as 50 percent of the Soviet potato crop perishes because of the poor storage, transportation and distribution system.

Soviet farmers have not lost their ability to grow crops. They just lack the incentive to do so on a Kolkhoz. By contrast, even though private plots, which are farmed by individuals in the early morning and late evening hours, occupy only four percent of the Soviet Union's arable land, they produce 25 percent of the Soviet Union's total crop output.

Housing in the Soviet Union is in as short supply as most consumer goods. At least twenty percent of all urban families must share kitchen and toilet facilities with other families. Another five percent live in factory dormitories. Young married couples are typically forced to live with their parents and must wait years for housing of their own.

The housing that does exist is extremely cramped, more so than in any other developed country in the world. The average Soviet citizen has 14 square meters of living space, for example, compared to the 49 square meters available to the average American. This means that there are approximately two people for every room in the Soviet Union, compared with two rooms for every person in the United States. Soviet statistics reveal that in 1983, 32 percent of all urban housing had no hot water, 23 percent was without gas, 19 percent without indoor baths, 12 percent without central heating, 11 percent without sewage facilities and 9 percent without water.

The housing situation is much worse in the countryside, and contains many features reminiscent of the 19th century — or even the 18th. There, for the most part, heating is with fireplaces, food is cooked on wood stoves, outhouses provide

the toilet facilities, and water frequently is from a well.

Although there has been much new housing built in the Soviet Union in recent years, almost all of it consists of poorly constructed high-rise apartment buildings which are even more poorly maintained. At the current rate of construction the per capita space available to Soviet citizens will begin to approach the Western standard in approximately 150 years. Soviet housing woes should come as no surprise given the fact that the Soviet Union spends less than one fifth as much on housing as the United States and well under half of what is spent in Spain and Japan.

Women in the Soviet Union usually occupy the lowest-status and lowest-paying jobs in Soviet society. One-third of all working Soviet women, for example, are employed as agricultural laborers. By contrast, only 1.5 percent of American women are so employed.

Soviet authorities often point to the liberal maternity benefits accorded to Soviet women. Yet the Soviet Union is currently suffering from a severe labor shortage brought on by declining birth rates. This reduction in birth rates, in turn, is due to the extraordinarily high abortion rate. Many women have a history of five or more abortions. The fact is that the low Soviet standard of living compels women to work to supplement the family income. Maternity benefits, with extra mouths to feed and bodies to clothe, are in many instances simply not enough to encourage a family to let a child be born.

Unlike Soviet men, the working day of a Soviet woman does not end as she leaves the field or the factory. Soviet women are expected to do the cooking and the housework and the waiting in line.

In the West, women have effectively banded together to fight discrimination and sexism, but Soviet women have no access to effective political power. In its entire history, only one woman has ever served on the Politburo; none serves there now. Fewer than five percent of Central Committee members are female. Interestingly, only one-fourth of Communist Party members are female.

Soviet authorities are often fond of pointing out that health care in the Soviet Union is free. As with so much that is free or subsidized in the Soviet Union, however, you often get what you pay for. Although there are plenty of beds in Soviet hospitals, the people who lie in them frequently receive substandard care. One third of them, for example, develop post-operative infections due to unsanitary conditions. Most of the doctors who care for them, moreover, are poorly trained by Western standards. Medicine is not a high-prestige occupation in the Soviet Union and doctors are among the lowest paid workers in Soviet society. Significantly, 70 percent of these low-paid physicians are women.

Soviet medicine is not immune to the same shortages that afflict the rest of Soviet society. Medical equipment and many medicines are in extremely short supply. One-third of all Soviet hospitals, for example, do not have adequate facilities for blood transfusions. Basic items such as bandages, aspirin and syringes are often difficult to find. Food rations are so small that patients must supplement their diet with food from home. In Novosibirsk, for example, which is home to many leading Soviet academic institutes and where one would expect supplies to be significantly better than normal, only 11 percent of the 216 standard drugs to be prescribed for specific illnesses are actually available. These shortages are not surprising in light of the fact that Soviet per capita expenditures on health care are less than one-third the U.S. level.

Although the problems in the Soviet health care delivery system are serious, they are not the most serious medical problem facing the Soviet Union today. Dramatically, over the course of the past two decades a significant deterioration has occurred in the overall health status of the Soviet population. Recent studies show that there has been an increase in Soviet death and morbidity rates over the past twenty years. The life expectancy of Soviet males has decreased during that period by a little over four years, from 66 in the mid-1960's to just under 62 years today. In the United States during the same period male life expectancy increased from 66 to 71 years. Infant mortality in the Soviet Union has increased from 26.2 per 1,000 live births in 1971 to about 40 per 1,000 today. U.S. infant mortality during the same period has decreased from 24.7 per 1,000 to 10.7.

The Soviet figure for infant mortality is necessarily an estimate since Soviet authorities stopped publishing infant mortality statistics after 1974 when the rate had risen to 31.9 per 1,000. This rate was already much higher than in any developed Western country. The Soviet Union also has stopped publishing life expectancy figures. The reason why this has been done is obvious enough. The decrease in male life expectancy and the increase in infant mortality in the Soviet Union are historic events. Never before has a developed, industrialized nation suffered a decline in these demographic indicators in time of peace.

The reasons for this decline are even more disturbing for anyone tempted to look to the Soviet Union as a model for social and economic development. Factors such as poor health care, increased smoking and frequently unregulated industrial pollution are important, but perhaps the most important contributor is alcohol. This would appear to be the view of Soviet authorities themselves.

The Soviet Union leads the world in the per capita consumption of hard liquor. Much of it is consumed in the form

of home-brewed moonshine known as "samogon." Alcohol consumption in the Soviet Union has more than doubled over the past twenty-five years. The death rate from alcohol poisoning in the Soviet Union is 88 times the U.S. rate, and alcohol and its effects may be the leading cause of death among Soviet males.

Alcohol abuse in the Soviet Union is not simply a male problem. Alcohol abuse is the third leading cause of illness among Soviet women and is a key factor in both the alarming rise in birth defects and the increased infant mortality rate. By 1980 the net social cost of alcohol abuse in decreased labor productivity in the Soviet Union amounted to a staggering 8 to 9 percent of the total national income.

Much of the heavy drinking in the Soviet Union occurs in the work place. Professor R. Lirnyan of the Soviet Academy of the USSR Ministry of Internal Affairs, writing in a 1982 issue of "Molodoy Kommunist", reported that 37 percent of the male work force is chronically drunk. Not surprisingly, drunkenness is the leading cause of industrial accidents.

A poll cited in a March 1984 edition of a Soviet journal, "Sovetskaya Rossiya" revealed that half the Soviet population regards drunkenness as the number one social problem in the Soviet Union. Seventy-four percent said they were alarmed over the extent of public drunkenness. These statistics make clear that the Soviet Union now suffers from an alcohol abuse problem of epidemic proportions, serious enough to cause a significant rise in the national death rate.

As I remarked earlier, even the Soviet leadership concurs with this assessment. Vitaliy Fedorchuk, the Soviet Minister for Internal Affairs, interviewed in the August 29, 1984 issue of "Literaturnaya Gazeta", candidly acknowledged that Soviet mortality and sickness rates have been on the increase and he specifically cited alcohol abuse as the cause.

We note with interest that the Soviet authorities only last week announced yet another campaign against the abuse of alcohol. Production is to be cut back, the drinking age raised and penalties against the manufacture of home-brew increased. While it is possible that these measures may meet with some limited success, we note that similar campaigns have always failed in the past. Our suspicion is that alcohol abuse in the Soviet Union will remain an alarmingly serious problem until the Soviet leadership begins to come to grips with the profound social malaise that gave rise to the problem in the first place. In saying this I do not mean to deny that there are drug and alcohol abuse problems in the United States and in other countries, which deserve our serious attention. But I am suggesting that in the Soviet Union we are dealing with a problem of an entirely different order of magnitude.

Mr. Chairman, I have been talking at length here about

some serious difficulties in the Soviet social and economic system. But there is one more problem I would like to discuss. As we know, Marxist-Leninist ideology claims to be based on the notion of egalitarianism. This, we are told, is what the great October Revolution was all about. One would, therefore, expect that whatever problems the Soviet Union might have, the Soviet authorities would insure that no class or group or individuals would ever be accorded privileges not available to other members of Soviet society.

But the truth is that certain groups in Soviet society (the party, the military officer corps, the diplomatic corps, the scientific-technical intelligentsia, the cultural and sports establishments) have deliberately shielded themselves from the social and economic hardships faced by the rest of the population. A privileged five percent of the Soviet population, known as the Nomenklatura, has access to special "closed" stores that are specially stocked with foreign goods not available in regular stores, as well as bountiful supplies of Soviet goods that are in short supply elsewhere. The average Soviet citizen is forbidden from entering these stores, which are unmarked and have opaque windows to prevent the curious from looking in. Housing space is allocated by state authorities on the basis of social status. Many leading Soviet organizations have their own housing facilities which are of good standard and centrally located.

The Fourth Directorate of the Ministry of Health runs a closed system of hospitals, clinics and dispensaries for the Nomenklatura, providing far better services than those available to the general population. The Soviet ruling oligarchy also has access to such special benefits as foreign travel, automobiles, admission to the best schools, country houses, access to cultural events and paid vacations in choice resorts, which are not available to the average citizen. Even the center lanes of certain roads are closed off for their exclusive personal use. To quote from George Orwell's "Animal Farm": "All animals are equal, but some are more equal than others."

In an earlier intervention, the distinguished Soviet representative suggested that we were reluctant to discuss social and economic issues in this forum. I hope I have succeeded in dispelling this impression. Despite our many problems, we believe that we in the West, with our pluralistic, mixed-market economies, have gone further toward meeting basic human social and economic aspirations than has the system now in place in the Soviet Union.

Mr. Chairman, more than thirty-five years ago there were published a collection of essays, authorized by prominent former communists or fellow-travelers including Ignazio Silone, Andre Gide, Richard Wright and Arthur Koestler. The book was entitled "The God That Failed". Each of these prominent writers explained in his own words why he had concluded that the price in terms of personal freedom was not worth paying to attain the promised goal of a future paradise. The decades that passed have demonstrated, Mr. Chairman, that the image of paradise off in the distance was only a mirage.

PLENARY STATEMENT
BY U.S. AMBASSADOR RICHARD SCHIFTER
ON DISCRIMINATION AGAINST NATIONAL MINORITIES
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- May 28, 1985

Mr. Chairman, in our interventions on the subjects of freedom of expression and freedom of religion we have emphasized the relatively narrow scope of the issues which we are here raising. In each of the instances we cited in these two interventions the problems with which we are concerned could be resolved within the framework of existing political and social systems. The same is true of the issues which will be discussed in this statement, that of the treatment by certain participating States of national minorities.

Principle VII of the Final Act is quite explicit about the obligations of the participating States to safeguard the rights of national minorities. In the Madrid Concluding Document this point is recalled through stress on "the importance of progress in ensuring the respect for and actual enjoyment of the rights of persons belonging to national minorities as well as protecting their legitimate interests as provided for in the Final Act."

Regrettably, Mr. Chairman, there has been since Madrid little progress in ensuring these rights for members of many national minorities. Indeed, in a number of instances, the pattern has been one not of progress but of regression, away from the solemn pledges undertaken at Helsinki and Madrid. In some signatory States, governmental restrictions on the free flow of information about the past and present of national minorities have intensified; churches, cultural monuments, and other artifacts of minority cultures have been destroyed; limitations on the use of native languages and cultural facilities have increased; histories have been rewritten; persons who decry these developments have been harshly persecuted; and in at least one instance an effort is under way to end the existence of a national minority by forcing it to change its ethnic attributes.

It is indeed strange that the country in which, today, the greatest number of persons is deprived of the opportunity to maintain minority culture and minority ethnic identity is the Soviet Union. It is strange because present Soviet policy toward national minorities contrasts so sharply with the nationality policies initially proclaimed by Lenin and it is strange because the return to the Great Russian Nationalism of the Czars was directed by a Georgian, Joseph Stalin. Strange

and anachronistic as it may seem, the nationalistic policies of the Stalin era, designed to Russify as much of the Soviet Union as possible, are in effect today.

Given the fact that we are meeting in Canada, a country committed to bi-lingualism, note should be taken of the rules governing the use of the Russian language in the Soviet Union .

In order to ensure that new generations in the Soviet Union will speak better Russian, a series of far-reaching educational reforms have been undertaken. In 1979, a major conference, "The Russian Language -- the Language of Friendship and Cooperation among the Soviet Peoples" was held in Tashkent. Several important new resolutions were passed. By 1980, measures were introduced so that all pre-school children would embark on the study of the Russian language. A near-native command of Russian is often a prerequisite for admission to the university.

If all of this were done merely to encourage bi-lingualism, it would indeed be a rational and understandable policy. But the fact is that efforts are clearly under way to squeeze out minority languages. In the Ukraine, for example, only 34 percent of the lecturers at Ukrainian universities hold classes in Ukrainian. Russian is often also the principal language of mass communication, even in the non-Russian republics. In the Latvian SSR, for example, three TV channels are in Russian with only one channel in both Latvian and Russian.

Russian is also the main language for the press -- even in non-Russian republics. Russian language books predominate over local language books in eight non-Russian republics. In Byelorussia, for example, only 16 percent of the books were published in Byelorussian, although 80 percent of the Republic's population is Byelorussian. In the Ukraine, where over 75 percent of the population is Ukrainian, only 25 percent of the books published in 1982 were in Ukrainian. A final comparison of statistics is instructive. In Latvia in 1925 -- when the republic was in the status referred to by the distinguished representative of the Netherlands -- 86 percent of the books published were in the Latvian language. In 1977 only 52 percent of books in Latvia were published in the official language of the Latvian SSR.

Governmental policies of Russification extend to the actual resettlement of people. By the 1979 Soviet census, the percentage of Russians and others from beyond the borders of the Baltic states has risen in Estonia to 35 percent; in Latvia to 54 percent; and in Lithuania to 22 percent. In Estonia, for example, from 1959 to 1979 the Estonian population of the

Republic increased by 50,000 and the Slavic population by 201,000. Similar in-migration patterns can be observed in most non-Russian republics. From 1959 to 1970, the Ukrainian population in the Ukraine increased by nine percent, while the Russian population increased by 28 percent. This pattern is particularly strong in the capital cities of the non-Russian republics of the Soviet Union.

And what, Mr. Chairman, happens to those who speak out for the interests of national minorities? To those who do not want to see their culture dissipate? To those who resist the destruction of their history? What happens to those who promote their language or culture beyond the narrow parameters imposed by the Soviet State? They are harassed, beaten, arrested, imprisoned, or committed to psychiatric hospitals.

For example, Estonian activist Enn Tarto was sentenced to ten years labor camp and five years internal exile in April 1984. His "crimes" included signing protests, publishing and distributing human rights documents in Estonia and maintaining contacts with Estonian emigres in Sweden. Persons recently imprisoned in Lithuania include, as I had occasion to mention earlier, three Catholic priests, Fathers Alfonsas Svarinskas, Sigitas Tamkevicius, and Jonas Matulionis. In December 1983, Latvian Sunars Astra was given a twelve-year term of imprisonment. He had called for granting self-determination to Estonians, Latvians and Lithuanians. Ironically, he was also accused of circulating George Orwell's 1984, less than a month before that year began.

Ukrainian activists who are advocates of their rich national and cultural traditions are also subject to persecution. The Ukraine has traditionally been singled out for especially harsh repression by the Soviet authorities. Today, a disproportionately large number of Soviet political prisoners are Ukrainian.

The Ukrainian Helsinki Monitoring Group, the largest of the five monitoring groups, had reported on Soviet restrictions on basic civil rights. Beyond that, it had also described the denial of Ukrainian national rights, focusing on the preservation of Ukrainian culture.

At least twelve Armenian and Georgian advocates of greater national and cultural rights were imprisoned last year. In March 1984, three Georgian workers were given terms ranging from four to five years for preparing leaflets protesting official celebrations of the 200th anniversary of the Treaty of Georgievsk which "joined" Georgia to Russia. Armenian nationalists have also been persecuted. In 1984, Pariur Airikian began a three-year exile term. He was first sentenced in 1973 for his nationalist activities.

These activists, it should be noted, do not engage in violent activities of the kind which characterize nationalist movements elsewhere. They are persecuted merely for their peaceful pursuit of national and cultural goals. They suffer because they choose, despite formidable obstacles, to express concern about the fate of their peoples.

Mr. Chairman, for many decades people throughout the world have looked with admiration at the Swiss model of a multi-lingual state, in which people stemming from differing ethnic origins can unite and work in harmony. Antagonisms based on ethnic origin, which long ago evaporated within the borders of the Swiss Confederation, have also been greatly attenuated at the international level in many parts of Europe. The symbolism, last year, of President Mitterand and Chancellor Kohl joining hands at Verdun provided a deeply satisfying emotional experience not only for Frenchmen and Germans, but for all those who remembered an era in which such an act of friendship would have been deemed simply inconceivable.

At our session we have heard presentations which have enlightened us on similar progress elsewhere. The thoughtful and informative presentation by the distinguished representative of Hungary falls into this category. We wish that similar approaches to the national minorities problem would be adopted across the border, in Czechoslovakia, for instance, where members of the Committee for the Defense of the Rights of the Hungarian Minority have been subjected to arrest and persecution.

Nothing that is happening to minorities in the participating States is quite like the treatment of the close to one million ethnic Turks in Bulgaria. The distinguished representative of Turkey has furnished us with a clear description of their fate over the last three quarters of a year. The distinguished representative of Bulgaria has told us that these ethnic Turks of Bulgaria never existed, that if they did exist, they are giving up their Turkish ethnic identity voluntarily, and that, at any rate, their ancestors were ethnic Bulgarians who hundreds of years ago were forcibly Islamicized.

The facts of which my delegation is aware, Mr. Chairman, are these: A year ago there were close to one million people in Bulgaria of the Moslem faith and of Turkish ethnicity. During the last year, they have been subjected to a harsh regime of oppression, forced to change their names and to end their cultural and ethnic ties. Military force has been used to effect these changes. There are reports of resulting violence, perhaps hundreds of dead and a great number of cases of imprisonment.

As to the argument advanced about the alleged Bulgarian origin of the persons under discussion, let me say it is irrelevant. There may be some of us in this room who can trace their roots for hundreds of years. There are others who cannot. Certainly as far as the latter group is concerned, it does not matter what the national or ethnic identification of our unknown ancestors was. What matters is how we identify ourselves.

And so it is with the Turkish national minority in Bulgaria. They identify as Turks and should under the Helsinki Final Act and Madrid Concluding Document be allowed to continue to identify themselves in this manner, using their true names, speaking their native language, and following their own traditions.

It is difficult, Mr. Chairman, to understand that events such as those reported from Bulgaria are taking place in the year 1985 and in a country which professes Leninism. The statements which have been made here clearly reflect the abhorrence with which so many of us view the treatment of ethnic Turks in Bulgaria. One can only hope that the Government of Bulgaria will reconsider its policy on this subject and will enter into discussions with the Government of Turkey leading to a friendly resolution.

The nationality groups to which I referred earlier, such as Ukrainians, Balts, Georgians and Armenians evidently are programmed to turn into Russians over a long period. In the interim they may continue to call themselves Ukrainians, Estonians, Latvians, etc., without being subjected to discrimination as long as they don't interest themselves in their respective native cultures. Bulgaria's ethnic Turks, by contrast, have been commanded to turn themselves into Bulgarians overnight. A different fate, still, has been ordered for three other ethnic groups, the Crimean Tatars, the Meskhetians, and the Volga Germans.

In the final stage of World War II, after Soviet troops regained control over portions of the country that had theretofore been under occupation, severe collective punishment for alleged treasonous activity was meted out against a number of ethnic minorities, whose members, including the most devout, active Communists, were deported from the Southern portion of the European USSR to Central Asia. Absolution was granted to most of the ethnic groups in the Khrushchev era, when they were allowed to return to their homes. But a few still live in banishment, namely the Crimean Tatars, the Volga Germans, and the Meskhetians.

The Crimean Tatars, once the great rivals of the Grand Duchy of Muscovy, were long ago pushed back to their territorial base in the Crimea. On one single day, May 18, 1944, N.K.V.D. troops swooped down on them, ordered them out of their homes, loaded them onto cattle cars and deported them a distance of over 2,000 miles, more than 3,000 kilometers, to Central Asia, where they were unloaded and left without any provisions for their sustenance. It is estimated that about 110,000 Crimean Tatars died on their way to Kazakhstan and Uzbekistan or in the months after their arrival there. It is estimated that this number of fatalities constituted about 46 percent of the total Crimean Tatar population.

Those Crimean Tatars who survived maintained their ethnic identity. From the date of their arrival in exile their principal desire was to return to their homeland. The 41 years that have expired have not changed their outlook. In 1967, after a long campaign by the Crimean Tatars, the Supreme Soviet declared them "rehabilitated", but failed to allow them to return home. Ten years later, it began to look as if a few of them would be allowed to return after all, but after just a short while the Soviet authorities reversed their position. Secret Instruction Number 221 of April 26, 1978, of the Uzbekistan Ministry of Internal Affairs provided as follows:

"Citizens of Tatar nationality formerly resident in the Crimea are forbidden to leave for the Crimea without supporting documents showing that living accommodations and employment can be found for them in the Crimea."

Shortly thereafter the Soviet Council of Ministers adopted a decree, which was also withheld from publication, which provided for special punishment for persons who arrive in the Crimean region in what is referred to as "an unofficial manner". It is clear, Mr. Chairman, that these decrees, which codified long-term existing practices, have only one effect: to create special disabilities for Crimean Tatars based only on their ancestry. But repressive practices and legislation have not brought the national aspirations of the Crimean Tatars to an end. Crimean Tatar activists continue to campaign for a return to their homeland. But the price they pay is persecution by the authorities. In February 1984, Crimean Tatar leader Mustafa Dzhemilev was sentenced to three years in a labor camp for "anti-Soviet slander". This represented his sixth prison term on political charges. His "crime" was staying in contact with Crimean Tatars abroad and attempting to bury his father in his Crimean homeland.

Similarly situated, Mr. Chairman, are the Meskhetians, a Turkish-speaking group. Like the Crimean Tatars they are of the Islamic faith. In 1944 the entire Meskhetian population

was also deported from its homeland in Georgia, near the Turkish border. Anywhere from 30,000 to 50,000 persons died in this particular deportation. Over the years since then the Meskhetians, too, have continued to appeal for permission to return home, all to no avail.

As I indicated earlier, Volga Germans constituted another group against which collective punishment was meted out. A total of 800,000 of them were deported to Siberia and Kazakhstan. Volga Germans, together with other Soviet citizens identified as persons of German nationality, constitute today close to two million persons. Though the ancestors of these persons came to Russia as long as 250 years ago, a great many of them clearly are of the view that they cannot sustain their ethnic identity in the Soviet Union and have concluded that the best way out for them is to emigrate. As to the problem into which they will then run and the hope for solutions thereto our distinguished colleague from the Federal Republic has spoken earlier. We associate ourselves with his remarks.

I would also like to call attention, Mr Chairman, to the difficult situation of several other large national groups in the U.S.S.R. which do not have any designated territorial status inside Soviet territory. Without such status, these nationalities have no guarantees of access -- and sometimes in fact no access at all -- to schools in their own languages or to other cultural benefits such as native-language theaters, etc. Some of these nationalities, such as Germans and Poles have well over one million members, others, such as Gypsies, Koreans, and Kurds, are much smaller. In any case, Mr. Chairman, it seems to me that all these national groups deserve the right to preserve their cultures as they see fit.

There is one other minority, Mr. Chairman, about whose human rights and present status I want to speak today. It is a minority whose presence in Europe has for the last 900 years been marked by a series of tragedies, culminating in the killing, in the years 1941 to 1944, of six million men, women, and children. As we noted on May 8th, the regime that was responsible for this largest scheme of mass murder in history perished 40 years ago, but, as the distinguished representative of Liechtenstein wisely and correctly reminded us a few weeks ago, the form of hatred which spawned that crime, anti-Semitism, lives on.

We have been assured by our Soviet colleagues, Mr. Chairman, that anti-Semitism is against the law in the Soviet Union. It may very well be against the law, but it appears to be, tragically, a law that is honored in its breach.

Soviet Jews constitute today the third largest Jewish community in the world. There are about two million of them, though that number becomes larger if one includes the persons suffering discrimination because of partially Jewish ancestry.

There was a time when Jews in the Soviet Union were, in fact, not subject to officially-sanctioned discrimination, but it is a time long gone. Beginning in the Stalin era and continuing since then the evidence of anti-Semitic policies followed by the Soviet Government has accumulated. Such policies have not been introduced overnight, as occurred in other countries at other times. Instead, it has been a creeping process. But it has been a process which has over time affected all aspects of Governmentally-regulated life and, as we all know, in the Soviet Union a great deal of life is regulated by the Government.

What we find today is that through an attrition process which has operated for decades, under which Jews were either barred from or severely restricted in admission to certain departments of government, there are large areas of the Soviet power structure in which through systematic discrimination the number of Jews has been reduced to zero or a negligible number. Where Jews are admitted, a ceiling has been established as to the rank and position of influence beyond which they may not rise. Throughout the entire Soviet system Jews find that their ancestry alone places them under a disability from which they cannot escape. In the days of the Czars, conversion to the Orthodox religion offered a way out. But today that option is not available. Persons professing devout adherence to communism are not thereby liberated from the limitations which are imposed on them purely because of their descent. In fact, according to many reports, persons of partially Jewish ancestry suffer similar disabilities. They, too, face restrictions on their employment and promotion opportunities. I submit, Mr. Chairman, that we are here dealing with an issue to which attention should be called under the provisions of the Convention on the Elimination of All Forms of Racial Discrimination.

The creation of barriers against the new admission of Jews to key departments of the Soviet Government and the creation of ceilings on promotions began more than forty years ago. In the period since then the practice of limiting access of Jews to employment in certain fields has been expanded and the levels to which Jews may rise in the Soviet hierarchy have generally been lowered. That is not to say that a few token Jews cannot be found here or there in the Soviet hierarchy. But their existence does not negate the fact that Jews are suffering discrimination in employment in large portions of the Soviet system.

This growth in discrimination in employment in recent years has also been accompanied by discrimination in the field of education. Increasingly, Jews have found it difficult to enter the most desirable educational institutions in the Soviet Union. Here, too, we are not dealing with a total ban, but with a severe limitation on the admission of Jewish students to such institutions. A number of us may have seen the study of the admission results for the years 1979-1981 at such institutions or departments as the Moscow Institute of Physical Engineering and the Moscow State University Mathematics and Mechanics Facility. Year after year applicants who have one or more Jewish grandparents were admitted in 15 percent of the cases or less. Those with no Jewish grandparents were admitted in 67 percent of the cases or more. The authors of the study were shortly after its publication arrested, prosecuted and sentenced to long prison terms under the political-crime provisions of the Russian Criminal Code, to which I have referred heretofore.

One educational institution, by the way, which for years has not admitted any Jews is the Institute of International Relations. The result of this exclusionary policy is, of course, thereafter reflected in the composition of the Soviet foreign service.

Our distinguished colleague from the Soviet Union has heretofore furnished statistics to us as to the percentage of Jews in the total population, compared to the percentage of Jews in various educational and professional categories. The following points should be noted in analyzing the figures:

- (1) The educational and professional categories in question are proportionately more heavily represented in the urban areas of the Western portions of the Soviet Union. Jews constitute a higher percentage of the population of the urban areas in the Western Soviet Union than they do nationwide. If percentage comparisons are made, they should take those facts into account.
- (2) In light of the fact that the discriminatory policies to which I referred started gradually and accelerated over time, with the most severe impact felt only during the last ten years or so, the consequences will be reflected in a gradual decline in the percentages of Jews in professional positions. As for Jews in educational institutions, figures covering all such institutions do not really tell the story. As I have indicated, the question to examine is which institutions have adopted what in the past

was known as a "numerus nullus" or a "numerus clausus", in other words complete exclusion of Jews or admission of only a small quota.

This policy of limiting the opportunities of Jews in employment and education has been accompanied by a step-up in anti-Semitic propaganda in the Soviet Union. As distinct from the situation in other states, we need to remember that in the Soviet Union all publications, except for samizdat, are approved and authorized by the government. The anti-Semitic content of books and publications is thus the result of a government decision to foster anti-Semitism.

Anti-Semitic propaganda in the Soviet Union is usually veiled through the use of a code word. Instead of using the term "Jews" the authors of anti-Semitic publications use the term "Zionists". But it does not take a great deal of political sophistication for any reader of the material in question to recognize that the views of the persons who are the objects of attack on Middle Eastern politics are irrelevant. It is their ancestry that counts.

Nor are the themes of the attacks in any way new. Much of the recent literature is nothing but an up-date of the themes contained in the pamphlets of the Black Hundreds, an organization which flourished 80 years ago with the vigorous support of the court of Czar Nicholas II. The theme contained in the czarist forgery "The Protocols of The Elders of Zion" can be found in these recent Soviet publications. As the Nazis drew for their materials on the same sources, it should not be surprising that a recent anti-Semitic television program shown in Leningrad closely resembled a 1939 Nazi movie on the same subject.

Typical of the Soviet Union's new anti-Semitic wave is a recent publication which depicts Andrei Sakharov as a mere tool manipulated by his Jewish wife, Elena Bonner. Similarly, a recent Moscow radio broadcast emphasized the Zionist influence exercised in the United Kingdom by two cabinet members who happen to be Jewish. In fact, neither of them has ever been involved in Zionist activity.

This insidious spread of anti-Semitism serves only to exacerbate the problem of anti-Semitic discrimination in employment and education. The typical personnel officer in a government department or admissions officer in an educational institution does not need a detailed directive on how to discriminate against Jews. He gets the word on the official line through the tone adopted in the media and then acts accordingly.

Though present in Soviet life for decades, anti-Semitism has become truly virulent only during the last ten years or so. Given the fact that they are discriminated against at their work-places and in schools and are vilified in their officially-authorized publications, it is no wonder that many Jews have turned inward, have rediscovered their religion and their culture and, above all, want to leave the country that they believe has made it clear to them that it does not want them.

On each of these routes to a new life, however, Jews find themselves blocked. They are hindered in the teaching and practice of their religion, hindered in the study of their culture, with particular obstacles placed in the way of Hebrew teaching, and they are prevented from leaving the country.

The question that arises is why all of this is happening. It would appear that the Soviet leadership follows a schizophrenic policy with regard to Jews, on one hand making life miserable for them and on the other hand not letting them out of the country.

Both sides of this schizophrenic policy are clearly violative of the basic precepts on which the Final Act and the Madrid Concluding Document are built.

The simplest resolution to the problem which this situation raises is to let those people go who want to go. Let us remind ourselves once again of the fact that under the Helsinki Final Act we all pledged ourselves "to act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights." And let us further remind ourselves that Article 13, Section 2 of the Universal Declaration sets forth in the simplest possible terms the following principle:

"Everyone has the right to leave any country, including his own, and to return to his country."

In 1984, Mr. Chairman, Jewish emigration from the Soviet Union dropped to less than 1,000. This figure needs to be compared with the estimates of the numbers who would leave if allowed to do so, estimates which run to the hundreds of thousands and beyond. There is no doubt that a significant irritant to good international relations would be removed if the Soviet leadership were to decide to relax its present severe limitations on emigration.

Mr. Chairman. We recognize that the issues which we have raised here are grave issues, as grave as the issues of racism raised by the distinguished Soviet representatives in their

charges against the United States. But the United States, Mr. Chairman, concedes that problems of race persist in our country and we seek to demonstrate what our Government is trying to do to end all forms of discrimination. In the Soviet Union, by contrast, the Government is the culprit, but it denies that the problem exists. In fact, we shall soon hear that all the allegations are calumnies, lies, and slander. That kind of response, however, does not make the problem go away. The harm that is here done to international relations is done by the human rights violations themselves, not by discussion of human rights violations.

There remains the question of what good is accomplished if the true facts are presented on an occasion such as this. We recognize, of course, that our distinguished colleagues in this room are not empowered to set things right. What we hope, though, is that they will take our message back home, the message that the Soviet Union's image in the world would be a far better one if the policies which were the subject of discussion here were altered. We hope that this message can rise to a level high enough in the Soviet hierarchy to effect change for the better. If we can accomplish that result we shall have accomplished a great deal.

ANNEX TO PLENARY STATEMENT OF
U.S. AMBASSADOR RICHARD SCHIFTER ON
DISCRIMINATION AGAINST NATIONAL MINORITIES
May 28, 1985
Ottawa, Canada

SEVENTEEN IMPRISONED NATIONAL MINORITY RIGHTS ADVOCATES

Participants in national movements comprise approximately 25 percent of the 887 documented cases of political prisoners. The names of some imprisoned national rights activists have appeared in previous delegation annexes, including imprisoned members of the Ukrainian, Lithuanian, Georgian and Armenian Helsinki Monitoring Groups. Attached are a few recent representative cases:

Ukrainian Rights Advocates

1. Vasyl Stus — sentenced in May 1980 to ten years camp and five years exile for membership in Ukrainian Helsinki Group.. (Earlier served eight-year term for nationalism.) He suffers from nephritis and heart disease.
2. Yuriy Badzyo -- arrested in April 1979 and sentenced to seven years camp and five years exile for his book *The Right To Live*. In labor camp hospital for five months in 1984 with severe ulcers and gastritis.
3. Zoryan Popadiuk -- sentenced in March 1983 to ten years labor camp and five years internal exile for "anti-Soviet agitation and propaganda". (Previously sentenced in 1973 for Ukrainian activism.) He is in poor health with serious heart disease.

Lithuanian Rights Activists

1. Gintautas Iesmantas — Expelled from the Communist Party for writing poems advocating the secession of Lithuania from the USSR. Sentenced in December 1980 to six years labor camp and five years internal exile.
2. Liudas Dambrauskas -- former Department Chairman at Thermo-Insulation Institute in Vilnius. Sentenced in October 1984 to three and a half years labor camp and two years exile for his unpublished memoirs of 25 years in the Stalin camps.

Latvian Rights Activists

1. Janis Rozkalns -- electrician, sentenced in December 1983 to five years labor camp and three years internal exile for "anti-Soviet agitation and propaganda" for owning copies of the Helsinki Final Act, the UN Charter. In July 1984, Rozkalns addressed appeal on Soviet labor camp conditions to the

Stockholm CSCE talks.

2. Gunars Astra — radio technician, sentenced December 1983 to seven years labor camp and five years exile for "anti-Soviet agitation and propaganda" for owning George Orwell's 1984 and translating a Baltic national rights petition calling for annulment of Molotov-Ribbentrop Pact.

3. Janis Barkans -- arrested in April 1983 and sentenced to four years labor camp. (He had served labor camp and psychiatric hospital terms for Latvian nationalism.) In camp he was brutally beaten, his jaw was broken and he contracted TB.

Estonian Rights Advocate

1. Enn Tarto — sentenced to ten years labor camp and five years internal exile for "anti-Soviet agitation and propaganda" for Estonian nationalist activities. (He had previously spent over ten years in labor camps.)

Armenian Rights Activist

1. Garnik Tsarukyan — forcibly interned in psychiatric hospital in February 1984. He had been an active participant in the human rights and national movement. (He had previously served time in labor camp and psychiatric hospitals.

Georgian Rights Activist

1. Zakhar Lashkarashvili — sentenced to five years labor camp and two years internal exile on February 15, 1984, for "anti-Soviet agitation and propaganda". He is accused of belonging to the "National Liberation Organization of Georgia".

2. Tariel Grinashvili -- sentenced to four years labor camp on February 15, 1984 for allegedly belonging to the "National Liberation Organization of Georgia".

3. Guram Gogopadze — sentenced to four years labor camp on February 15, 1984 for allegedly belonging to the "National Liberation Organization of Georgia".

Crimean Tatar Rights Activist

1. Dzhenilev, Musatafa — sentenced in 1984 to three years in a labor camp for "anti-Soviet slander." (He has served six terms totalling over ten years in camp or exile for Crimean Tatar activism.)

Jewish Rights Activists

1. Yuliy Edelshtein — Moscow Hebrew teacher. Arrested September 4; sentenced to three years labor camp December 19 for possession of narcotics.

2. Yakov Rosenberg — Jewish cultural activist from Chernovtsy (Ukraine). Sentenced on February 4 to three years camp for anti-Soviet slander.

3. Iosif Berenshtein — Kiev Hebrew teacher. Arrested November 12. Sentenced to four years labor camp on December 10 for resisting militia. Severely beaten partially and blinded by prison wardens shortly after trial.

Ten Deaths of Soviet Political Prisoners in 1984 and 1985

Minority rights activists — like other Soviet political prisoners — have been subjected to severe maltreatment in Soviet prisons, camps and psychiatric hospitals.

The total number of Soviet political prisoners is estimated at 10,000. Of these, at least half are national and ethnic rights activists.

Seven of the ten known cases of deaths of political prisoners in the Soviet Union since early 1984 are members of various national minorities; five of them were sentenced for their ethnic rights activism.

Ukrainians:

Oleksy Tykby (Ukrainian Helsinki Group)
Valery Marchenko (Ukrainian nationalist)
Yuriy Lytvyn (Ukrainian Helsinki Group)
Anton Potochnyk (Ukrainian Catholic)
Boris Artushenko (Baptist)

Armenians:

Eduard Arutunyan (Armenian Helsinki Group)
Ishkhan Mkrtchyan (Union of Armenian Youth)

Russians:

Aleksei Nikitin (labor activist)
Valentin Sokolov (writer)

Unknown Non-Russian Nationality:

Roza Kikbaeva (emigration activist)

END

STATEMENT ON OME 8, OME 11 AND OME 43
BY U.S. AMBASSADOR RICHARD SCHIFTER
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- June 4, 1985

Mr. Chairman:

Both as an attorney in the private practice of law and as a government official I have over the years been conscious of the bewilderment of so many citizens who have a problem which they want to discuss with government officials and don't know where and with whom to start. Too often, far too often, they are sent from one government office to the next as they search for an answer to the matter that concerns them. This, I am sure, applies as much to any of the participating states as it applies to the United States. It is, as I understand it, the reason why the Scandinavian states have come up with the admirable concept of the Ombudsman.

What is true of this problem of the individual citizen versus the state bureaucracy in general becomes particularly poignant and heart-breaking when we deal with cases of human rights and find that here, too, people are sent from pillar to post as they seek a solution or a simple answer to a problem or question they have. Perhaps, Mr. Chairman, we might in due course come up with a more ambitious answer than the one contained in the proposal which we have tabled jointly with the Federal Republic of Germany, OME . . . Under our proposal, questions concerning human rights problems in a participating state which might be posed by another state or by private individuals or groups may be made to the Foreign Ministry of the state in question or to such other office as that state may designate.

Now that I have the floor, Mr. Chairman, permit me to offer our comments on two proposals of special concern to us. The first of these is the Romanian proposal, OME 8, concerning bilateral exchanges of thoughts on human rights problems. We find ourselves in basic sympathy with the thrust of this proposal but believe that it needs to be revised so as to make certain that the bilateral talks which the proposal envisages are meaningful and lead to meaningful results.

To illustrate what we have in mind, Mr. Chairman, I must regretfully refer to our own experience in conversations with Romania. In bilateral meetings with the Romanian Delegation, we have posed questions about the status of several cases and issues that have been of great concern to us for some time. The Romanian Delegation undertook to provide information to us about these cases, but has to date not done so. It is for that reason

that my government has asked me to clarify, as precisely as possible, what we consider to be essential elements of productive bilateral exchanges such as those envisaged in OME 8.

We need such clarification of the proposal because we have, for example, raised with the Romanian Delegation the basic issue of treatment of prospective emigrants. Romanian citizens who have received exit permission and are awaiting visa processing by receiving states are forced to relinquish jobs and access to social benefits and education. They are forced to pay sharply higher housing costs, as well as substantial fees for obtaining and renewing their passports and exit visas. This policy has created a new class of internal refugees, and is in our view a fundamental violation of basic human rights. Mere bilateral discussion of this problem does not suffice in our view. As I have indicated, it must be related to a good faith effort to make progress.

Similarly, Mr. Chairman, bilateral discussions must proceed from the proposition agreed to in Madrid that diplomatic missions must be accessible to citizens of the countries in which they are located. It would be our hope that Romania would allow its citizens freely to contact our Consular Officers and consult with them on their eligibility for visas to enter the United States, would issue them exit permits when visas become available and, above all, would not penalize them during the waiting period because they have applied for emigration. During the last few weeks, Romania has suddenly allowed a significant number of persons to leave the country in an uncoordinated manner, which can only cause hardship for a great many of them. As we all know, obtaining an immigrant visa to enter the United States is not an internationally-recognized human right. We have limitations on immigration because the demand always exceeds the supply. During the most recent fiscal year we granted immigrant status to about 512,000 applicants, which is surely a substantial number. As we have pointed out to Romania, effective bilateral coordination could have the effect of fitting Romanian emigration requests appropriately into our annual allocation of immigration visas.

The need for further clarification of the Romanian proposal is also underlined by our discussions of freedom of religion in that country. As we have had reason to point out, freedom of religion means freedom for all religions, not just for 14 of them. We regret such an arbitrary limitation, which prevents those persons who do not subscribe to any of these 14 religions from worship in keeping with their conscience. We are also concerned about serious restrictions which have been placed in the way of the free exercise of religious freedom on the part of those who belong to the 14 authorized creeds. Finally, Mr. Chairman, we need clarification of the proposal because of our concern over the treatment of the Hungarian minority in Romania.

We strongly believe in the protection of the cultural rights of this group and have hoped for positive developments in the light of our discussions. That, too, will have to be an essential element of any bilateral human rights discussion.

Mr. Chairman, I shall now turn to another proposal which requires analysis and discussion, the Polish proposal OME 11, calling *inter alia* for ratification of the international Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights by participating States which have not done so heretofore. According to my calculations, 26 of the participating States have ratified the Conventions; nine have not. The United States is one of these nine.

In an earlier intervention, Mr. Chairman, I explained why we do not consider it appropriate to discuss the issue of ratification at this Meeting. As I noted then, we have come here to examine the question of the extent to which there are shortfalls in performance on the promises heretofore made to respect human rights, not how often we should promise again what we have promised earlier. However, as Poland has decided to raise this issue, let me explain, on behalf of one of the nine participating States which have not ratified the conventions, what the serious obstacles are that stand in the way of ratification.

As many of the delegations know, reflecting the decision of the executive branch of our Government, the United States has signed the Conventions. Ratification requires, however, the affirmative vote of two-thirds of the United States Senate and that has not been obtained. There was a time, Mr. Chairman, when a good many students of this subject strongly urged Senate ratification of the Covenants and recommended that the legal problems that Senators had with a few of their provisions be resolved with appropriate reservations. By today, however, weighty and most serious additional concerns exist as to the appropriateness of these Covenants. To illustrate these problems, let me suggest the following imaginary dialogue that might take place if I were to testify before the Senate Foreign Relations Committee in support of ratification of the Covenants.

A Senator might ask me: "Mr. Ambassador, I want to draw your attention to Article 8, Section 1 (a) of the Covenant on Economic, Social and Cultural Rights and Article 22, Section 1 of the Covenant on Civil and Political Rights. The first of these reads as follows:

'The States Parties ... undertake to ensure ... the right of everyone to form trade unions and join the trade union of his choice ... for the promotion and protection of his economic and social interests.'

The second reads as follows:

'Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.'

Now, Ambassador, isn't it true that Poland signed both of these covenants? And isn't it true that a free union movement was formed in Poland, called Solidarity, with which almost half of the adult population of Poland affiliated itself? And isn't it also true that this free union movement has been ruthlessly suppressed? How does that square with the sections from the Covenants which I have just read to you?"

I suppose I would answer the question as follows: "Senator, what you say is true. But the Polish Government is relying on escape clauses in the Covenants. In the Economic, Social and Cultural Covenant the escape clause reads as follows:

'No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others:'

In the Civil and Political Covenant, the escape clause is quite similar. It just adds the protection of public health or morals as justification for restricting the rights of labor unions."

The Senator's response in this imaginary conversation might be as follows: "What kind of quibble is this, Ambassador? Solidarity was a peaceful, unarmed movement, trying to exercise nothing but traditional labor union functions, and not even all of them. It was no threat to national security or public order or to public health or morals. And how do you protect what the Covenants call a democratic society by suppressing democratic rights? Or can the Covenants be construed to allow suppression of a peaceful labor union in the interest of national security if the threat comes not from the union but from abroad?"

I could answer as follows: "Well, Senator, Poland notified the United Nations Secretary General of its temporary derogation of the provisions of the Civil and Political Covenant by stating the following:

'Temporary limitation of certain rights of citizens has been prompted by the supreme national interest. It was caused by the exigencies of averting civil war, economic anarchy as well as destabilization of the State and social structures. The purpose of the measures thus introduced has been to reverse an exceptionally serious public emergency threatening the life of

the nation and to create conditions for an effective protection of Poland's sovereignty and independence."

The Senator's response might be as follows: "Those are a lot of fancy phrases, Ambassador. From what I know about the situation in Poland in 1981 I am sure there was no threat of civil war or economic anarchy or threat to the stability of the state. What the phrase destabilization of the social structure means I simply don't know. As for the threat to the life of the nation, sovereignty and independence, as I asked before, do you mean that you can suspend all these rights under the Covenant if the threat comes from abroad? and in the case of Poland, which is entirely surrounded by its allies in the Warsaw Pact, where could such a threat originate?"

Let me ask you another question. Article 18 of the Civil and Political Covenant guarantees freedom of expression. But I see that Michnick, Lis, and Frasyuniuk have been arrested again. How do you explain that?

And what about free labor unions in some of the other countries in that area of the world? And what about Article 12 of the Civil and Political Covenant, which allows people to move freely within their countries, to leave their countries and to return? And what about freedom of religion as guaranteed by Article 18 and about the right of peaceful assembly as guaranteed by Article 21? Are any of these provisions observed by any of those countries, all of which have signed the Covenant on Civil and Political Rights? And let me ask you, Ambassador, if all these provisions are either being violated by the countries that signed them or can be rendered meaningless by those loopholes that are big enough to drive a truck through, can you tell this Committee what useful purpose is served by our recommending that the Senate ratify these documents?"

Mr. Chairman, as of now I can't think of a good answer to this last question. And because I cannot give a good answer, because there is no good answer, I cannot possibly agree to the Polish proposal.

STATEMENT ON INCOMMUNICADO DETENTION AND
ACCESS TO PRISONERS PROPOSAL
BY U.S. AMBASSADOR RICHARD SCHIFTER
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- JUNE 4, 1985

Mr. Chairman:

Today I would like to discuss a proposal, OME.37, which the United States, along with the Federal Republic of Germany, Italy and the Netherlands, is submitting to this meeting. This proposal briefly recommends that the participating States reduce the length of incommunicado detention of individuals and improve and increase access of persons, specifically relatives, friends and representatives of non-governmental humanitarian organizations, to those under detention or incarceration in penal institutions.

The obligation of CSCE States regarding persons in detention is included in Principle VII of the Final Act as it refers to the Universal Declaration of Human Rights. In the United States, according to the Miranda Supreme Court decision, persons held in detention have the right to immediate counsel. They also have the Sixth Amendment right to a speedy trial. Unfortunately, these rights are not respected in other States as they are in the United States. For example, in one State (USSR), pretrial detention can last as long as nine months according to the code of criminal procedure, and prisoners are not entitled to consult with a lawyer until after the conclusion of pretrial investigation. In another State (Czechoslovakia), persons legally can be detained for no

more than a 48-hour period unless charges are brought against them, where they then may be held for 60 days in investigative detention. In reality, this can be extended to a much longer period of time, a recent case being as long as one year. Thus, the right of habeas corpus, requiring a person to be brought before a judge or court as a protection against illegal imprisonment, or its equivalent does not exist in these countries. In countries such as these, the persons involved are very often deprived the opportunity to communicate with others or are permitted only very limited contacts, often with the intention of punishing that individual for his activities. It is this kind of arbitrary action that we hope to correct in urging the acceptance of this proposal.

The second paragraph of this proposal is on a similar subject, focusing on access of family friends and representatives of non-governmental humanitarian organizations ~~to have access~~ to persons confined in prisons who are of concern to them. I would like to note that the United States has taken many steps in this regard. Courts have upheld the right of prisoners to completely free access to their lawyers. Access to family members is liberal as well, although security considerations somewhat limit these contacts. Since the majority of U.S. penal institutions are under the jurisdiction of the states, regulations governing prisons admittedly vary in our country. Nevertheless, over 500 correctional agencies in the United States are voluntarily

complying with the strict standards of the American Correctional Association. These standards parallel or exceed the U.N. Standard Minimum Rules for the Treatment of Prisoners in terms of inmate rights. In addition to these standards and protection under the law, civil rights groups, international human rights groups, and the free and aggressive American press are actively involved in the protection of human rights in order to ensure that injustices are addressed when they arise. Reporters may interview any inmate in custody, if the inmate agrees, and the Federal Bureau of Prisons adopted a policy which allows prisoners to send postage-free letters to members of the press, Congress and the courts.

Again, it is unfortunate to note that efforts such as these have not been paralleled in some of the participating States. Depending on which of the penal regimes an individual may find himself, the number of visits permitted varies, in one State (USSR) ranging from 0-2 personal visits per year and 0-3 general visits, in the presence of a guard, per year. There are usually strict limitations on the number of letters that the person may mail in a year as well. Therefore, these people, for many of whom I have expressed concern in my previous statements because they were incarcerated solely for acting upon their rights as embodied in the Helsinki Final Act and the Madrid Concluding Document, are often isolated from their friends and relatives. In addition, non-governmental humanitarian organizations which follow the

treatment of individuals in their incarceration are denied the opportunity to visit these prisoners in order to determine the condition of their health or to examine the conditions in which these prisoners must live. On the occasion that information on people of concern to these organizations finds its way out of the prison or the camp, appeals based upon that information are rejected.

Mr. Chairman, in proposal OME.25, which the United States has co-sponsored, it is recommended that the participating States take necessary steps to eliminate all forms of torture or cruel, inhuman or degrading treatment or punishment. In calling for improved and increased opportunities for representatives of humanitarian organizations to visit prisons and for progressively reducing restrictions concerning reasonable access of relatives and friends in privacy to individuals under detention or incarceration, it is my hope that we can help ensure positive developments in the treatment of prisoners along the lines of OME.25. I believe that both of these proposals are based on the most humanitarian of considerations. Regardless of the economic or social system of any of the participating States here at this Meeting, all should be able to support both of these proposals.

STATEMENT CONCERNING
THE PROPOSAL ON RESPONDING TO HUMAN RIGHTS INQUIRIES
BY U.S. AMBASSADOR RICHARD SCHIFTER
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- JUNE 4, 1985

MR. CHAIRMAN:

I WILL TAKE ONLY A MINUTE OR SO OF OUR TIME TO INTRODUCE ONE. 43. A RECOMMENDATION THAT PARTICIPATING STATES RESPOND TO INQUIRIES AND REPRESENTATIONS FROM GOVERNMENTS OF OTHER PARTICIPATING STATES AND FROM PRIVATE INDIVIDUALS OR GROUPS ON MATTERS CONCERNING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITHIN THEIR RESPECTIVE STATES. THE UNITED STATES IS PLEASED TO BE JOINED BY THE FEDERAL REPUBLIC OF GERMANY IN SPONSORING THIS PROPOSAL.

DURING THE REVIEW OF IMPLEMENTATION, SOME OF THE DELEGATIONS EXPRESSED THE OPINION THAT DISCUSSION, INQUIRIES AND REPRESENTATIONS BY ONE STATE ON HUMAN RIGHTS PROBLEMS IN ANOTHER STATE WAS SOMEHOW AN INTERFERENCE IN INTERNAL AFFAIRS AND WAS THUS A VIOLATION OF PRINCIPLE VI OF THE FINAL ACT. AS I SEE IT, IT MAKES NO DIFFERENCE IF THE DISCUSSION IS IN A MULTILATERAL FORUM SUCH AS THIS ONE OR IF IT IS PART OF A BILATERAL AGENDA, THE IMPLEMENTATION OF THE PROVISIONS ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS A LEGITIMATE TOPIC FOR DISCUSSION AND INQUIRY AMONG PARTICIPATING STATES. I AGREE FULLY WITH THE STATEMENTS OF THE DELEGATIONS HERE WHICH SAID THAT THERE IS NO CONTRADICTION BETWEEN PRINCIPLES VI AND VII.

ONE. 43 MAKES THIS POINT CLEAR IN A BRIEF AND SELF-EXPLANATORY MANNER. IF THE PARTICIPATING STATES AGREE TO RESPOND TO INQUIRIES AND REPRESENTATIONS ON HUMAN RIGHTS, INCLUDING THOSE ON SPECIFIC INSTANCES AND CASES OF NON-IMPLEMENTATION OF THE FINAL ACT'S PROVISIONS, IT WOULD LEAD TO IMPROVED DISCUSSION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS AMONG THE GOVERNMENTS OF THE PARTICIPATING STATES. RECOGNIZING THE POSITIVE ROLE THAT INDIVIDUALS AND GROUPS HAVE TO PLAY IN THE IMPLEMENTATION OF THE FINAL ACT, THE PROPOSAL WOULD ALSO SERVE TO FACILITATE THAT ROLE. IT WOULD BE PARTICULARLY HELPFUL FOR THE FOREIGN MINISTRY OR A DESIGNATED OFFICE TO SERVE AS A CENTRAL POINT FOR THESE INQUIRIES AND REPRESENTATIONS. I THEREFORE HOPE THAT THE PARTICIPATING STATES WILL AGREE TO ITS ACCEPTANCE IN OUR MEETING'S FINAL REPORT.

PROPOSAL ON RESPONDING TO HUMAN RIGHTS INQUIRIES
BY THE DELEGATIONS OF THE UNITED STATES AND THE F.R.G.

JUNE 4, 1985

THE PARTICIPATING STATES WILL RESPOND TO INQUIRIES AND REPRESENTATIONS FROM GOVERNMENTS OF OTHER PARTICIPATING STATES AND FROM PRIVATE INDIVIDUALS OR GROUPS ON MATTERS CONCERNING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITHIN THEIR RESPECTIVE STATES. SUCH INQUIRIES OR REPRESENTATIONS MAY BE MADE TO FOREIGN MINISTRIES OR TO SUCH OTHER OFFICES AS THE PARTICIPATING STATE MAY DESIGNATE.

CLOSING STATEMENT
BY U.S. AMBASSADOR RICHARD SCHIFTER
TO HREM MEETING OF CSCE

OTTAWA, CANADA -- June 17, 1985

One of the essential elements of civilized government is that it respects the human dignity of its own citizens. That means that it lets them speak their mind, practice their religion, and come and go freely. There is, of course, much more to the cause of human rights, but these basic rights can properly be regarded as the minimum essentials, from which much else can be derived.

The validity of the principle which I have just stated is today accepted throughout the world. It is enshrined in important international documents, to which practically every government pays at least lip service. Regrettably there are some governing elites who stop at that point, who have failed to translate their international commitments into an appropriate code of conduct. That gap between commitment and conduct has been the principal topic of the Ottawa human rights conference.

The United States believes that governments should respect the human rights of their citizens because that is indeed a duty which governments owe their citizens, even if there were no international agreements on this subject. What these agreements do, in effect, is underline a pre-existing duty, rather than add a new one.

There were times when the international community considered the action of a government against its own people a matter of the internal affairs of that country and none of the business of outsiders. Those times are gone and the Helsinki Accords recorded that fact, namely that a government which respects the human dignity of its own citizens will, in turn, earn more international respect and, above all, confidence than one that fails to do so. As the Accords put it, respect for human rights is an essential factor for peace and the development of friendly relations among nations.

Let me now get to the essence of this conference. While human rights violations in a number of East European states were criticized, much of the discussion has focused on the shortfalls in human rights performance by the Government of the Soviet Union. We have expressed our deep concern over the severe punishment meted out to human rights monitors, such as Orlov and Shcharansky, who had done nothing other than report on failures by Soviet bureaucrats to live up to their Government's undertakings at Helsinki. We have expressed our deep concern about the interference by the Soviet Government with the free exercise by its citizens of their religious practices, about the cultural deprivation suffered by Ukrainians, Estonians, Latvians, Lithuanians and other peoples suffering under Soviet repression.

We have called for the Soviet Union to live up to its international obligation to let those people go who want to go and we have expressed our deep concern over the recrudescence in that country of virulent Government-sponsored anti-Semitism.

We are sadly aware of the fact that human rights violations have taken place even as we have met, talked, and deliberated. Prison sentences have been meted out to Lis, Frasyuniuk and Michnik in Poland. The fate of Dr. Sakharov and his wife Elena Bonner is ominously unknown. The repression of ethnic Turks in Bulgaria continues. And Charter 77 activists, peaceful persons who exercised their rights to freedom of expression, remain incarcerated in Czechoslovakia.

As a result, questions have, understandably, been asked as to whether conferences of this kind do any good. These questions cannot be answered with certainty. Years from now historians will be able to make an assessment of the activities in which we are now engaged and will be able to pass judgment as to whether we have indeed succeeded in the tasks we set out to do. All that we can say today is that our study of history shows that ideas can have consequences and that in order for ideas to have consequences, they must be expressed and must be expressed clearly. At this conference we have spoken up for freedom. When I use the pronoun "we" I do not mean only the United States. What came clearly into focus is that the issue of human rights is not of concern merely in the context of U.S.-U.S.S.R. relations, but is a problem that beclouds the relationship of the Soviet Union with a great many countries, irrespective of their political alliances or lack thereof. What we hope, what we deeply hope is that responsible persons in the Soviet leadership will take to heart the message which emanates from the Ottawa Meeting and will see to it that Soviet practices are brought in line with the promise of the Helsinki Accords. No better contribution could be made to the relaxation of international tension. And no better way would there be to crown the Ottawa Meeting with success.

APPENDIX III

Questions for Ambassador Schifter:Lack of agreement

Question One: (Kindly request Mr. Palmer also comment) In order to ensure a balanced outcome at Madrid, the U.S. and other Western delegations pushed hard to achieve mandates for the Ottawa Human Rights Experts Meeting and the Bern Human Contacts Experts Meeting in order to counterbalance the Stockholm Conference on Disarmament in Europe [CDE]. In Switzerland's closing statement, a thread was drawn from Madrid to Ottawa and through all the meetings of the CSCE leading up to the next major review meeting in Vienna in the fall of 1986. Do you also see a linkage? What consequences do the lack of agreement in Ottawa and the absence of tangible improvement in human rights by the Soviet Union and other Eastern states hold for balanced progress in CSCE as a whole?

Answer: We have consistently emphasized that we shall insist on balanced progress in the CSCE process and shall continue to do so. By "balanced progress" we mean improvement in all the areas as to which understandings were reached at Helsinki, including human rights as well as security. The failure of the Soviet Union and other East European countries to take seriously their commitments in the human rights field raises serious questions as to the possibility for balanced progress and could have serious consequences for the future of the CSCE process. What needs to be noted in this regard is that failure to reach agreement in Ottawa on a concluding text was a mere symptom. The underlying problem is the absence of tangible improvement in human rights in the Soviet Union and many East European countries. At the Vienna Review Conference the question of whether balanced progress can be achieved in all aspects of the CSCE process will indeed be a fundamental issue. Mr. Palmer shares this view.

Closed sessions

Question Two: (Kindly request Messrs. Palmer and Matthews also comment) In Madrid and Ottawa, the Western countries repeatedly stressed the invaluable contributions to the Helsinki process that are made by private citizens and non-governmental organizations. The role of NGOs is referred to explicitly in the Western document OME. 47. The U.S. Delegation was perhaps the most forthcoming and accessible delegation to NGOs at the conference. Yet, due to the consensus rule and the Soviet veto power, and despite Western insistence, in the procedural negotiations we were not able to achieve as many open sessions at Ottawa as the West would have liked. Furthermore, I understand that many of our NGOs were frustrated at the constraints placed on their movements within the Ottawa Conference Center, which they felt were excessive, going far beyond security requirements. In light of the experience in Ottawa, can you comment on what role you see for NGOs at the upcoming CSCE meetings, particularly the Budapest Cultural Forum and the Bern Human Contacts Meeting?

Answer: We believe that NGOs play a role of utmost significance in the CSCE process, particularly as it relates to human rights. It is for that reason that United States delegations consistently advocate that NGOs be afforded appropriate access to meetings, be fully informed as to the proceedings, and have an opportunity to meet delegations. We have emphasized and shall emphasize these points with regard to the Budapest and Bern meetings. However, as the Soviet Union and its allies have no sympathy at all for the NGOs active in the CSCE process and as the consensus rule applies to procedural matters, the arrangements actually made may fall far short of our ideal.

Mr. Palmer and Mr. Matthews share this view.

Question Three: Ambassador Schifter, in response to a letter to Ambassador Ekkehard Eickhoff of the Federal Republic of Germany, Rep. Hoyer received the following letter:

"Dear Mr. Hoyer,

Thank you very much for your kind letter of May 14th. I was pleased and honored by the chance to speak to American Congressmen visiting their delegation to the CSCE Human Rights Conference in Ottawa. The very close and, if I may add, effective cooperation with the U.S. delegation and the coordination of our statements and initiatives reflected our common commitment to human rights and fundamental freedoms as embodied in the constitutions of both our countries. The brilliant and convincing interventions of Ambassador Richard Schifter were highlights of all our debates, and we, the European allies of the United States and my delegation especially appreciate the perception and wisdom of his contributions to the internal discussions of the alliance coordinating our work at the conference. With warmest regards, I am
Ekkehard Eickhoff, Ambassador"

I (Representative Hoyer) would like to add to the Ambassador's letter that I have read your speeches and agree that you spoke with both eloquence and lucidity. I am interested, however, in your assessment of how our allies performed. And as a follow up, one of the main concerns of our CSCE policy is to maintain allied unity. How was this aim met during the course of the Ottawa meeting?

Answer: Thank you for your kind words. There is no doubt that the United States was more specific in stating its concerns than were some of our friends. However, one of the striking successes of the Ottawa meeting was the ability of the NATO caucus, which met on almost every working day, sometimes more than once a day, to work together and hold together, resolving such differences as we had within the caucus rather than going public with them. The group's esprit de corps was excellent.

The Western Paper, OME. 47

Question Four: The Ottawa Meeting did not reach consensus on a Final Report, yet we understand that the Western Paper OME. 47, can be regarded as an important accomplishment and even as a legacy for upcoming meetings in Budapest, Bern and ultimately Vienna. Why is this the case and could you characterize the Western paper's contents for us? We understand that OME. 47 was sponsored by seventeen EC-10 and NATO countries, and that it enjoyed the sympathetic support of a number of Neutral and Non-aligned countries as well. How were the conclusions and recommendations contained in OME. 47 developed?

Answer. As the NATO caucus prepared itself for submission of proposals to be adopted by the meeting, we agreed that each of us would concentrate on sponsoring proposals that had been agreed upon by the entire group, that each of our proposals should be brief and should focus on practical implementation. A series of such proposals was prepared within our caucus and then tabled. Even though they had, in fact been agreed to by the entire group, none of these proposals had the formal endorsement of the entire Western group. As to each proposal only those signed on as sponsors that were most deeply interested in the specific subject. When it became clear to us that the Soviet Union would block all of our proposals, the NATO caucus decided to gather all of the individual proposals which had theretofore been submitted by its members and by Ireland (the only EC member which is not a member of NATO) and combine them into a single comprehensive proposal, to be sponsored jointly by all of us. In this manner, we thought, we could clearly identify our common Western goals for the present as well as the future. The resulting document, OME-47, sets

forth a series of highly specific steps which we believe could move those countries which now fall far short of abiding by the Final Act closer to adherence to its provisions.

Question Five: (Kindly request Mr. Palmer also comment.) Mr. Ambassador, when a conference is over, what would be the kind of things that you could point to say that it had been successful?

Answer: Different conferences need to be measured by different standards of success or failure. In the case of the Ottawa Human Rights Experts Meeting, we went there to work for improved implementation of the Helsinki and Madrid human rights provisions. Unfortunately, the Soviets rebuffed our efforts to engage them in preliminary conversations on the substance of human rights and on Soviet human rights practices and this cast a shadow over the likely outcome of the meeting. Once in Ottawa, it became evident that the Soviet delegation was under instructions not to discuss or negotiate any aspect of Soviet human rights practices. Under these circumstances our objectives at Ottawa were [a] to state our human rights concerns with utmost clarity, [b] to see to it that our statements were well publicized, and [c] to join forces with our Allies in our expressions of concern. I believe we succeeded with regard to the first and third of these objectives. As a matter of fact, we were particularly pleased with the success of the West in presenting a truly united front. We were prepared to conclude an agreement on such

highly specific steps as contained in OME 47. But neither the Western countries nor the neutrals and non-aligned were interested in signing on to a final document which would obfuscate the fundamental issues which were the topic of discussion at Ottawa. We did reasonably well as to publicity for the meeting, though we would indeed have been happier if we had done better. But we must recognize that one of the great strengths of the West is that we have free media, which set their own priorities as to newsworthiness.

Mr. Palmer shares these views.

Question Six: [Kindly request Messrs. Palmer and Matthews also comment.] Would you agree that the failure to draw up a concluding document at the end of the Ottawa Meeting constitutes a set back, or perhaps a disturbing precedent within the CSCE process?

Answer: I would not agree to that proposition. The failure, as I have noted earlier, is that the Soviet Union and its allies are guilty of serious violations of the Human rights provisions of the Helsinki Final Act. It stands to reason that the Soviet Union would not have agreed to a concluding document which points up that fact. On the other hand, if the West had agreed to a final document which ignored Soviet bloc human rights violations, we would only have compounded the problem created by present-day Soviet conduct in the field of human rights. We must continue to place emphasis on action, on

specific steps to cause countries to live up to the provisions of Principle VII of the Helsinki Final Act, not on more words which tend only to becloud the issue. We seek meaningful agreements which can bring about such results.

Mr. Palmer and Mr. Matthews share these views.

Question Seven: [Kindly request Mr. Palmer also comment] The Madrid Conference produced a series of final documents dealing with critical issues. That is true of the other meetings within the Helsinki process as well. Do you believe that not reaching consensus in Ottawa will lead to similar results at the Budapest Cultural Forum or the subsequent meeting in Bern?

Does this mean that there may be no carry-over or follow-through from Ottawa to the Vienna Conference to be held in the Spring of 1986?

Answer: We hope that Budapest and Bern will produce meaningful results which contribute to balanced progress in the CSCE process. The U.S. will consult closely with its Allies and others with this goal in mind as preparations for Budapest and Bern move forward.

The Vienna review meeting, which will begin in the fall of 1986, will discuss all areas of the CSCE, including human rights. Issues discussed in detail in Ottawa will be addressed once again in Vienna. We hope that the text of ONE-47, the very concrete result of Western deliberations at Ottawa, will be the platform from which the West will launch its discussion of human rights and will provide the guidelines by which adherence or lack thereof with the Helsinki Accords will be judged.

Mr. Palmer shares this view.

Question Eight: (Kindly request Messrs. Palmer and Matthews also comment.) There seemed to be a low level of public and press interest in the Ottawa Meeting. By looking at the coverage one could conceivably conclude that the current level of interest and commitment to the human rights is not as strong as previously. Would you agree with that assessment? And if so, what are the implications upon the CSCE process?

Answer: I would not agree with that assessment. Public and press interest in all CSCE meetings below the level of review conferences such as Belgrade and Madrid has been limited. In fact, the Ottawa meeting received considerably more press coverage, for example, in the New York Times, than any other CSCE meeting not attended at the foreign minister level. Coverage of the Ottawa meeting would not lead one to conclude that there is a declining level of interest in human rights issues in the United States or Western Europe.

Mr. Palmer and Mr. Matthews share this view.

Question Nine: (Kindly request Mr. Palmer also comment.) We are aware that the State Department conducted a major briefing of April 4 and that State Department officials met with representatives of a number of non-governmental organizations prior to the convening of the Ottawa Conference. Do you consider that to be sufficient input? Also, a number of NGOs have contacted the Helsinki Commission expressing their concern about the Ottawa Conference both in terms of NGO access to the Conference Center and their reception by delegations in general? Can you comment?

Answer: The United States believes that close consultations with NGOs is an essential part of preparation for CSCE meetings. We will continue our ongoing program of individual

and group meetings and briefings as the schedule of CSCE meetings unfolds. These meetings and briefings are important, but even more important is the level of attention given to NGO concerns. Not every suggestion can be accepted and incorporated into policy, but every serious proposal is given careful consideration as our approach to the overall CSCE process and to each meeting is developed.

We are aware of concern among NGOs about their access to the conference center and their reception by delegations in general. We are, of course, not in a position of telling other delegations how to conduct their business, but where requested we have tried to set up meetings between NGOs or even interested individuals and other delegations.

Mr. Palmer shares this view.

Question Ten: (Kindly request Mr. Matthews also comment.) Emigration figures for Soviet Jews indicate that this year may be even worse than last year. Even during the month of May, when the Ottawa Conference was meeting, Soviet Jewish emigration figures dipped to 51, the lowest monthly emigration figure for the year. Was this raised during the discussions with the Soviet delegation? And how would you interpret these Soviet actions, especially at a time when they have a delegation meeting to discuss their human rights performance?

Answer: The question of Jewish emigration was raised with Soviet officials in Ottawa. It is raised at virtually every high-level meeting between United States and Soviet officials, including Secretary Shultz's recent meeting with Soviet Foreign Minister Shevardnadze. Whatever decisions the Soviet Union

might have taken in this area last spring, they were taken without a great deal of regard for the fact that a CSCE human rights meeting was being held in Ottawa.

Mr. Matthews shares this view.

Questions for Mark Palmer and Gary Matthews:

Question One: If the Soviets and their allies proved to be so unyielding at the Ottawa Meeting, can we develop any strategies to improve the outcome of the Human Contacts Meeting scheduled for the Spring of 1986 at Bern, Switzerland?

Answer: We prepare a range of strategies for each meeting, taking into account a variety of factors and consultations with our Allies. We go into each meeting with a serious commitment to make progress and a readiness to engage in constructive dialogue. This applies to the Bern meeting. The Soviet Union is aware of our position on human rights issues. We hope that the Soviet Union will take a more forthcoming position in these issues in coming months. We are prepared to work closely with all CSCE participating states to make the Bern meeting a success.

Question Two: In October, Hungary will host the Cultural forum. What efforts are being made by the U.S. to ensure that the authorities in Hungary will provide opportunities for NGO participation?

Answer: The U.S. continues to engage the Hungarian government in discussions on this issue. We strongly support effective participation by NGOs in the Cultural Forum.